

SHORELINE MASTER PROGRAM PERIODIC REVIEW

DRAFT White Salmon SMP Periodic Review Checklist

This document is intended for use by counties, cities, and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the beginning of the periodic review,

- Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).
- Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.
- At the end of your review process, Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

PREPARED BY	JURISDICTION	DATE
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ROW	SUMMARY OF CHANGE	REVIEW	ACTION
2022			
a.	Office of Financial Management (OFM) adjusted the cost threshold for substantial development to \$8,504.	Section 2.5 “Substantial Development Permits and Exemptions” references an out-of-date dollar figure in the list of exemptions (Sub-section 9), but also includes references to inflation adjustments by the OFM every five years.	<p>Mandatory: Update cost threshold in Section 8 to reflect adjusted cost threshold of \$8,504.</p> <p>Recommended: It is recommended to remove the specific cost thresholds and all listed exemptions to avoid future updates. This requirement is met by solely relying on the reference to the statute (WAC 173-27-040) in Section 2.5, Substantial Developments and Exemptions.</p>
2021			
a.	The Legislature amended floating on-water residence provisions	<p>The SMP does not contain a definition for floating on-water residences (FOWRs) (i.e. liveboards).</p> <p>New over-water residences and floating homes are listed as prohibited in Section 6.2.8 “Residential Development”. Therefore, this legislative amendment is not applicable.</p>	No action necessary.
b.	The Legislature clarified the permit exemption for fish passage projects	The SMP does reference fish passage projects in Section 2.5 “Substantial Development Permits and Exemption”, specifically referencing meeting conditions identified I WAC 173-27-040. However, this exemption does not reference the statute RCW 90.58.147, and any legislative updates listed therein.	<p>Recommended: This amendment doesn’t specifically require listing the statute, however adding this reference should prevent the need to update this exemption in the event of future amendments.</p> <p>See above response under 2022a. Relying solely on the WAC 173-27-040 reference and not listing out the specific exemption eliminates the need for future amendments to this section based on legislative updates.</p>

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2019			
a.	OFM adjusted the cost threshold for building freshwater docks.	<p>Freshwater docks are permitted in White Salmon, following regulations stated in Section 7.1.7 “Moorage Structures (Piers and Docks).”</p> <p>Section 2.5 “Substantial Development Permits and Exemptions” includes under subsection 9.e, an exemption for freshwater docks “if the fair market value of the dock does not exceed the threshold established by the Act, as amended.” This section is compliant.</p>	No action necessary.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites. (<i>Applies to 9 jurisdictions</i>).	White Salmon is not in one of the applicable jurisdictions, therefore this section is not required.	No action necessary.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	White Salmon does not have any marine shorelines, therefore this section is not applicable.	No action necessary.
SMP Adopted and Effective December 26, 2017			
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	<p>Section 2.5 “Substantial Development Permits and Exemptions” references this figure as of the 2017 adjustment (Sub-section 9), but also includes references to inflation adjustments by the OFM every five years.</p> <p>As of 2022, this threshold has changed—recommended updates are detailed in section 2022a. above.</p>	See response to 2022a

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b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	The SMP lists a definition for ‘Development’ in Section 8 – Definitions. This definition does not include any clarification regarding the dismantling or removal of structures.	<p>Recommended: It is recommended to add the following sentence from Ecology to the current definition of ‘development’:</p> <p><i>“Development” does not include dismantling or removing structures if there is no other associated development or re-development.”</i></p> <p>This addition is not required. However, it may help reduce confusion for future projects.</p>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not include a list of exceptions to local review under the SMA, nor is it required to do so.	<p>Recommended: In order to ensure consistent implementation of the SMP, add a consolidated section in the SMP to include all statutory exceptions to local review identified in WAC 173-27-044.</p>
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	<p>The SMP states in Section 2.4 – Permit Process that all permit applications need to follow WAC 173-27-130 and any subsequent amendments to that section.</p> <p>The example language detailed in the 2017 legislative update is meant for SMPs that specifically list the Ecology permit filing procedures. Referencing the applicable WAC and subsequent updates satisfies this requirement.</p>	No action necessary.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	<p>The SMP does not have a reference to forestry use regulations or WAC 173-27-030(6).</p> <p>However, Forest Practices are included in Table 6-1, Shoreline Use and Development Standards Table, as a permitted use in the High Intensity shoreline environment designation.</p>	<p>Recommended:</p> <p>Add a footnote to reference forestry use regulations and WAC 173-27-030(6) in the Use Table (Table 6-1).</p> <p>To be consistent with this legislative update, include the footnote should following language:</p> <p><i>A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may</i></p>

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			<i>require a substantial development permit, as required by WAC 222-50-020.</i>
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction .	The SMP does reference federal lands in Section 1.5.2 – Applicability to Federal Agencies, however this section does not address the recommended clarification regarding actions on lands in federal jurisdiction not needing to comply with the SMA/SMP.	<p>Recommended: To avoid potential confusion, we recommend adding the following suggested verbiage into Section 1.5.2 – Applicability to Federal Agencies:</p> <p><i>Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.</i></p>
g.	Ecology clarified “default” provisions for nonconforming uses and development .	The SMP addresses the updated definitions and clarifying verbiage in Section 2.8 – Nonconforming Development. However, there are no definitions for nonconforming structures, uses or lots in the definitions chapter.	<p>Recommended: Add the following definitions into Chapter 8 – Definitions, and ensure they are consistent with verbiage in Section 2.8:</p> <p><i>Nonconforming use—an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.</i></p> <p><i>Nonconforming development or structure—an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.</i></p> <p><i>Nonconforming lot—a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.</i></p>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	The SMP references the required process for periodically reviewing the SMP in Section 2.11 – Shoreline Master Program Review. It also references WAC 173-26 to allow for future updates.	No action necessary.

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i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The SMP does not reference a shared local/state public comment period in the amendments section (Section 2.12. – Amendments to the Shoreline Master Program). However, this update is optional and therefore not required.	No action necessary.
j.	Submittal to Ecology of proposed SMP amendments.	Section 2.12 – Amendments to the Shoreline Master Program mentions that amendments and revisions to the SMP do not become effective until approved by Ecology. However, this section does not clarify what the final submittal to Ecology should contain and when local governments will submit their final periodic review checklist. Section 2.12 also does not reference the applicable WAC 173-26-110, which would provide further clarification on the requirements for SMP amendment submittals to Ecology.	Recommended Add reference to WAC 173-26-110 into Section 2.13 (formerly 2.12) to clarify the submittal process and allow for future updates therein.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act (ADA) .	The SMP Section 2.5 – Substantial Development Permits and Exemptions (2)(a) Exemptions speaks to possible exemptions specifically referenced in WAC 173-27-040, which accounts for this update.	Recommended: See above response under 2022a. Relying solely on the WAC 173-27-040 reference and not listing out the specific exemptions eliminates the need for future amendments to this section based on legislative updates.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The SMP references the updated 2014 Wetland Rating System in Chapter 8 – Definitions, under the definition for “Wetland Rating System”, though the publication number is missing.	Recommended: Include Ecology publication number for ease of reference.

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2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not include provisions for a 90-day target for local review of Washington State Department of Transportation projects. The SMP is not required to include this provision.	No action necessary.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Over-water residences are prohibited in White Salmon, therefore this update is not applicable.	No action necessary.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The SMP does not describe the appeal steps for amendments to shoreline master programs, nor is it required to.	No action necessary.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	The SMP requires wetlands to be delineated with the approved federal wetland delineation manual, pursuant to Section 5.3.12 – Wetland Designation, Mapping and Classification.	No action necessary.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	White Salmon does not contain any saltwater shorelines, therefore no geoduck populations are present and this update is not applicable.	No action necessary.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Over-water residences are prohibited in White Salmon, therefore this update is not applicable.	No action necessary.
d.	The Legislature authorized a new option to classify existing residential structures as conforming .	The SMP addresses existing residential structures as both conforming and nonconforming structures, depending on the nature of the structure, but does not explicitly classify	No action necessary.

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		existing residential structures as conforming. This legislative update is optional.	
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	The SMP describes the “effective date” of SMP amendments as 14 days from the date of the Department of Ecology’s written notice of final action, and references RCW 90.58.090(7) in Section 1.9 – Effective Date. The SMP also lists the effective date on the cover page.	No action necessary.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	The SMP states in Section 7.1.5 – Shoreline Restoration and Enhancement (Regulations)(4) that restoration and enhancement projects may apply for relief from expansion of Act jurisdiction in accordance with the requirements of RCW 90.58.580. However, the SMP does not discuss what qualifies as a restoration/enhancement or the associated criteria and procedures.	Recommendation: Add the below additional verbiage to Section 7.1.5 – Shoreline Restoration and Enhancement, subsection “Regulations”, Item 4: <i>The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.</i>
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Neither the SMP nor the CAO reference the use of certified wetland mitigation banks. Though this update is not required, Ecology recommends local governments include SMP provision authorizing use of mitigation banks.	Recommendation: Add additional statement in Section 5.3.16 – Wetland Compensatory Mitigation stating: <i>Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.</i>
c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not reference moratoria authority or any accompanying procedures. However, this update is not required.	No action necessary.
2007			
a.	The Legislature clarified options for defining “floodway” as either the	The SMP lists a definition in Chapter 8 – Definitions for “Flood Insurance Rate Map	Recommended: Add the suggested definition for “floodway” into Chapter 8 – definitions.

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	<p>area that has been established in FEMA maps, or the floodway criteria set in the SMA.</p>	<p>(FIRM)” which references the official map which delineates flood hazards, floodways and the risk premium zones. However, there is not a standalone definition for “floodway”.</p>	<p><i>Floodway—the area that has been established in the effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can be reasonably expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.</i></p> <p>This recommended definition is important to distinguish a “floodway” from a “floodplain”, which is a definition currently listed in Chapter 8.</p>
b.	<p>Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.</p>	<p>SMP Section 1.4.2 – Applicable Shoreline Area in White Salmon lists the extent of the SMP jurisdiction within White Salmon as well as the regulated waterbodies within the town limits. The SMP jurisdiction map is also displayed in Appendix A.</p>	<p>No action necessary.</p>
c.	<p>Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.</p>	<p>The SMP does reference fish passage projects in Section 2.5 “Substantial Development Permits and Exemption”, specifically referencing meeting conditions identified I WAC 173-27-040. However, this exemption does not reference the statute RCW 77.55.181, and any legislative updates listed therein.</p>	<p>Recommended See above response under 2022a.</p> <p>Relying solely on the WAC 173-27-040 reference and not listing out the specific exemptions eliminates the need for future amendments to this section based on legislative updates.</p>

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

Checklist Item #	SMP Section	Summary of change	Discussion
1	5.3.1(11) Critical Areas Tract.	Retention of Critical Areas Tract as a requirement	A mechanism for recording critical areas tract or easement shall not be an optional requirement to be waived. Otherwise, no mechanism exists to prevent future damage or alteration to this area designated for perpetual critical areas protection.
2	5.3.7 – Heritage Trees Designation, Mapping	Heritage Tree sites – pull from SMP – this will be reflected within the City zoning code	The regulation of heritage trees will move to Title 18 – outside the SMP. While a heritage tree may fall within a critical area, the tree meeting this size threshold and species alone should not be classified a critical area unless identified by WDFW’s priority habitat species map or WDNR’s Washington Natural Heritage Program.
3	5.3.5 (now 5.3.12) Wetland Protection Standards	Incorporation of Ecology July 2018 Wetland buffer guidance	Ecology’s guidance for wetland buffers includes a larger range of habitat scores for lower functioning wetlands, so long as minimization measures are met. If a wetland contains a habitat score of 6 or greater, a habitat corridor must be provided through the property connecting to adjacent priority habitats, as defined by WDFW.
4	5.3.10 (now 5.3.7) Geologically Hazardous Areas Designation, Mapping and Classification	Added updated Seismic hazard area guidance	Seismic hazard areas now refer to WDNR guidance, including the Liquefaction Susceptibility Map of Klickitat County.
5	5.3.1 General Regulations for All Critical Areas	Clarified buffer averaging requirements	Additional documentation requirements have been added to allow for buffer averaging within critical area buffers, so long as the area being decreased does not contain a higher functioning portion with regard to habitat functions that the area being increased in the averaging process.
6	5.3 Critical Areas	Various edits to improve the readability of the SMP	Incorporated edits within this section improve readability and application of

Checklist Item #	SMP Section	Summary of change	Discussion
			these regulations within shoreline jurisdiction.