

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Kelso 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 2019 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
The Watershed Company: Kim Frappier, Environmental Planner	City of Kelso	June 28, 2021

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
2019			
a.	Washington State Office of Financial Management (OFM) adjusted the cost threshold for building freshwater docks .	SMP Chapter 3.2(A)(1) - The provision does not specify specific cost thresholds. Instead, the SMP references the Shoreline Management Permit and Enforcement Procedures broadly in the statute WAC 173-27-040 (2). The statute is also included in Appendix E.	Recommended: Appendix E is outdated and should either be removed or updated to reflect the statute for the updated cost threshold for building freshwater docks listed in WAC 173-27-040.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites .	There is not a Dredged Material Management Program site within the City's Shoreline Jurisdiction. Therefore, this legislative amendment does not apply.	No action necessary.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	There are no saltwater shorelines in City limits. Therefore, this legislative amendment does not apply.	No action necessary
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMP Chapter 3.2.A.(1) - The provision does not specify cost thresholds for substantial development. Instead, the SMP references the Shoreline Management Permit and Enforcement Procedures in the statute WAC 173-27-040(2). The statute is also included in Appendix E.	Recommended: Appendix E is outdated and should either be removed or updated to reflect the statute for the updated cost threshold for substantial development in WAC 173-27-040. The definition should also be updated in Chapter 2 of SMP. Note: Ecology recommends revising permit application forms, websites, or other administrative documents to reflect the new cost threshold.

Row	SUMMARY OF CHANGE	REVIEW	ACTION
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	The current SMP definition for development under <i>Chapter 2. Definitions</i> does not include this clarification.	Recommended: Add sentence to incorporate clarification in the definition: “development does not include dismantling or removing structures if there is no other associated development or re-development.”
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	SMP Chapter 3.1(A)(2) - This section does not list the exceptions, but rather references back to WAC 173-27-045: “Developments Not Subject to the Shoreline Management Act.” However, no reference is made to WAC 173-27-044, “Developments not required to obtain shoreline permits or local reviews.”	Mandatory: The SMP should be updated to contain a reference similar to the reference contained in SMP Chapter 3.1(A)(2) that references WAC 173-27-044.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	SMP Chapter 8.1(F) includes permit filing procedures for shoreline substantial development permits but does not incorporate all amended rules from the 2011 statute. “Date of filing” is also included in Chapter 2.6 Definitions.	Mandatory: Revise description of permit filing process for consistency with 2011 statutory amendments. Could be subset under SMP section 8.
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.	According to SMP Chapter 7.2.5 <i>Forest Practices</i> , forest practice activities are “not applicable” and are prohibited within the City of Kelso.	No action necessary.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction .	The City of Kelso does not contain lands under exclusive federal jurisdiction, nor does it address Applicability to Federal Agencies. Guidance states it is not necessary to amend local SMPs to reflect this clarification.	No action necessary.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	SMP Chapter 3.3 establishes the City’s standards for nonconforming structures and uses, therefore the default provisions do not apply.	No action necessary.
h.	Ecology adopted rule amendments to clarify the scope and process for	This is optional. The current SMP does not address the process for conducting periodic reviews nor is	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
	conducting periodic reviews .	it required to do so. The City will follow WAC 173-26-090 and RCW 90.58.080 when conducting periodic reviews.	
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 address the amendment process, nor is it required. The City will follow WAC 173-26-104 for shared local/state public comment periods.	No action necessary.
j.	Submittal to Ecology of proposed SMP amendments.	The SMP does not address submittal of proposed SMP amendments to Ecology, nor is it required to. The City will follow WAC 173-26-110 and WAC 173-26-120 when submitting proposed amendments to Ecology.	No action necessary.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act (ADA) .	SMP Chapter 3.2(A)(1) - The provision does not list all the statutory exemptions. Instead, the SMP references WAC 173-27-040(2) "Developments Exempt from Substantial Development Permit Requirements." The statute is also included in Appendix E.	Recommended: Appendix E is outdated and should be updated to reflect the statute for the new shoreline permit exemption for retrofitting existing structures to comply with the ADA in WAC 173-27-040.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Critical Areas Regulations that apply in shoreline jurisdiction are in <i>Appendix C. Shoreline Critical Areas Regulations</i> . Appendix C references the 2014 wetland rating system, publication #14-06-007, October 2014, or as revised.	Recommend: Appendix C, Chapter 2.B. references "Ecology Publication #14-06-.007 which is the draft document rather than the final approved version #14-06-029. Could consider updating this. Note, Ecology has additional updated guidance published in 2018 on wetland buffer widths which the City may consider incorporating into their CAO and SMP.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this, nor is it required to.	No action necessary.
2014			
a.	The Legislature created a new definition and policy for floating on-water	The City does not have any FOWRs. The SMP prohibits floating or over-water residence,	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
	residences (FOWR) legally established before 7/1/2014.	including live-aboard vessels in each shoreline environment designation (See SMP Chapter 7.1, Table 7-1).	
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The current SMP does not address SMP update appeal procedures, nor is it required to when an SMP does not already outline the SMP appeal process.	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 includes reference to the approved federal manual and updated language in its definition of “wetlands or wetland areas” within Chapter 2. Definitions.	No action necessary.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	The City only contains freshwater shorelines; therefore, this update does not apply.	No action necessary.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	The City does not have any floating homes. The SMP prohibits floating or over-water residence, including live-aboard vessels in each shoreline environment designation (See SMP Chapter 7.1, Table 7-1)	No action necessary.
d.	The Legislature authorized a new option to classify existing residential structures as conforming .	<i>SMP Chapter 3. Applicability, Exemptions, and Prohibited and Nonconforming Uses</i> establishes the City’s standards for nonconforming structures and uses. SMP section 3.3(l)(1) includes this option.	No action necessary.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	The current SMP was adopted in 2016. The City’s current CAO was updated in 2019, but for critical areas outside of shoreline jurisdiction. The SMP incorporates applicable sections of the CAO which was in existence in 2016, including references to “no net loss.” Also included in the Critical Areas Regulations in Appendix C. The SMP includes reference to the “effective date”	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
		of SMP amendments, in <i>Chapter 1.8 Introduction – Effective Date.</i>	
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.	<i>SMP Chapter 8.8 Restoration Project Relocation of OHWM</i> addresses the statute.	No action necessary
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Under SMP Chapter 4.3.2 (B) - Conservation and Restoration– the SMP includes statement to allow for the establishment and maintenance of a regional wetland mitigation bank.	No action necessary.
c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not address moratoria authority, nor is it required to.	No action necessary.
2007			
a.	The Legislature clarified options for defining “floodway” as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	The SMP includes both options for the definition of floodway in Chapter 2. Definitions. It includes (1) Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps and (2) the SMA floodway definition.	Recommended: Ecology is recommending that floodway definitions do not include the “or” statements and give a conclusive definition to “floodway.” The Watershed Company will discuss with the City and Council of Governments.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	No new shoreline waterbodies have been inventoried since the comprehensive update in 2016. Under the existing SMP, Kelso’s shorelines include the Columbia River, Cowlitz River, Coweeman River, and Owl Creek, as stated in SMP Chapter 3.1(A)(1) Applicability and other locations within the SMP.	No action necessary.
c.	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.	SMP Chapter 3.1(A)(2) does not list the exemptions, but rather references WAC 173-27-040 which lists the rule exempting public or private projects designed to improve fish or wildlife habitat or fish passage projects. The statute is included in Appendix E.	Recommended: No action necessary.

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.

SMP Section	Summary of change	Discussion
Appendix C. Shoreline Critical Areas Regulations	Incorporate 2018 Ecology guidance for wetland buffers to use updated habitat scores and buffer widths. Additionally, incorporate provisions for Habitat Corridors in Chapter 2.D. for wetlands that score 6 or more for habitat functions.	The City's Shoreline Critical Area Regulations (Appendix A) do not incorporate the 2018 Ecology guidance for wetland buffers. The latest guidance is included in this periodic update.