

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Morton 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
Facet: Kyle Cotchett, Environmental Planner Alex Capron, Senior Planner	City of Morton	January 2025

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
2023			
a.	Office of Financial Management (OFM) adjusted the cost threshold for substantial development for construction of residential docks is \$28,000 or \$13,900 for all other docks constructed in fresh waters. The next adjustment is due July 1, 2028.	The “Substantial Development” definition in Chapter 8 does not mention docks or their price threshold.	Mandatory: Update cost threshold in Chapter 8 to reflect adjusted cost threshold for docks. Note, this could also be accomplished by solely relying on a reference to the statute (RCW 90.58.030) and removing the cost threshold altogether. Such an action may eliminate the need for future SMP amendment to this section when OFM adjusts the threshold in the future.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The SMP was adopted in 2017 and includes critical areas regulations in Chapter 4.04.02.A. which uses the 2014 wetland rating system. However, in 2023, Ecology’s wetland guidance was updated.	Recommended: Amend Chapter 4.04.02.A. and Appendix 2 (Critical Areas Ordinance Adopted and Modified) to reflect the 2023 changes.
2022			
a.	Office of Financial Management (OFM) adjusted the cost threshold for substantial development to \$8,504.	SMP Chapter 8 ‘Definitions’ references an out-of-date dollar figure (\$6,416.00) in the definition of Substantial Development, but also includes references to inflation adjustments by the OFM every five years.	Mandatory: Update cost threshold in Chapter 8 for Substantial Development to reflect adjusted cost threshold of \$8,504 for general development. To address future cost increases, the language, “or as amended by RCW 90.58.030(3)(e)” could be utilized. Such an action may eliminate the need for future SMP amendment to this section when OFM adjusts the threshold in the future.
2021			
a.	The Legislature amended floating on-	The SMP does not contain a definition for floating on-water	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
	water residence provisions	residences (FOWRs) (i.e. liveboards). Residences are listed as prohibited in the Aquatic Zone SMP <i>Table 5 1: Permitted, Conditional, and Prohibited Uses</i> . The Aquatic shoreline environment designation encompasses lands waterward of the OHWM. Development of new floating on-water residences is therefore not applicable to the City and therefore no amendments are needed to address this legislative action.	
b.	The Legislature clarified the permit exemption for fish passage projects	SMP Section 6.01.01 – <i>Shoreline Modification Table</i> , captures this amendment through a direct reference to the updated law via WAC 173-27-040(2)(p).	No action necessary.
2019			
a.	OFM adjusted the cost threshold for building freshwater docks .	Updated dollar threshold provided in 2023. See 2023.a, row above.	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>).	No Dredged Material Management Program sites are located within the City of Morton’s shoreline jurisdiction. The 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.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
SMP Adopted 2017			
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Updated dollar threshold provided in 2022. See 2022.a, row above.	No action necessary.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	SMP Chapter 8 definition of ‘Development’ does not capture the legislative update.	<p>Recommended: The City should consider amending the definition of ‘Development’ with Ecology’s recommended language:</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 has been reflected within SMP Chapter 8 – Definitions.</p>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not list project exceptions to local review.	<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 and -045.</p>
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	The SMP contains permit filing process in Chapter 7.05.04 – Development Start, that is consistent with this legislative amendment. The SMA amendment applies regardless of the permit filing procedures in the SMP.	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.	Forest practices are prohibited within shoreline jurisdiction per SMP Chapter 5.02.02, Regulations. Therefore, this legislative amendment does not apply.	No action necessary.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction .	The SMP already includes acknowledgement of the exclusion of federal lands in SMP Chapter 1.05.B,	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
		Applicability, by referencing the SMA and stating, “except when specifically exempted by statute.”	
g.	Ecology clarified “default” provisions for nonconforming uses and development .	The City lists provisions for nonconforming use and development in SMP Chapter 7.07 Nonconforming Development. The City is not required to adopt Ecology’s rule amendments, though these clarifications would be helpful.	<p>Recommended: Create separate definitions in Chapter 8 for Nonconforming lot, Nonconforming use and Nonconforming structure.</p> <p>Nonconforming lot. <i>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> <p>Nonconforming structure or development. <i>A building or structure or portion thereof which was lawfully erected, altered or maintained, but no longer conforms with present regulations such as setbacks, buffer or yards, area; bulk height or density standards of the Master Program.</i></p> <p>Nonconforming use. <i>An activity in a structure or on a tract of land that was legally established prior to the effective date of the act or shoreline master program, which does not conform to the use regulations of the current site zoning.</i></p>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	The City includes reference to the SMP amendment process in RCW 90.58.080(4)(b) in SMP Chapter 7.09.02 - SHORELINE MASTER PROGRAM REVIEW.	<p>Recommended: SMP Chapter 7.09.02.A. states that the SMP is required to undergo periodic review ever 8 years after 2022, but RCW 90.58.080 states that it is every 10 years after 2021 for cities within Lewis County. Update to accurately reflect the RCW.</p>
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	As noted above, reference to SMP amendment process is included in Chapter 7.09.02 - SHORELINE MASTER PROGRAM REVIEW, through cross-reference to WAC 173-26. WAC 173-26-100 references the optional joint review process included in WAC 173-26-104. Therefore, no amendments are	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
		needed to address this legislative action.	
j.	Submittal to Ecology of proposed SMP amendments.	Chapter 7.09.02.D. states, "Amendments or revisions to the SMP, as provided by law, do not become effective until approved by 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) .	The SMP references allowing deviations from the code for ADA parking in Chapter 5.12.02. Chapter 7.04.04 also lists letter of exemption requirements and cites exemptions listed in WAC 173-27-040(2).	No action necessary.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The SMP was adopted in 2017 and includes critical areas regulations in Chapter 4.04.02.A. which use the 2014 wetland rating system. However, in 2023, Ecology's wetland guidance was updated.	See 2023.b.
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 a specific target for WSDOT project review. The SMP is not required to include this provision.	Recommended: The City will consider adopting a slightly reduced review timeframe from 120 days for standard shoreline permits to 90 days to assist WSDOT in their permitting timelines. Language from Ecology is available.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	See 2021.a.	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 the shoreline master programs, nor is it required to do so.	No action necessary.

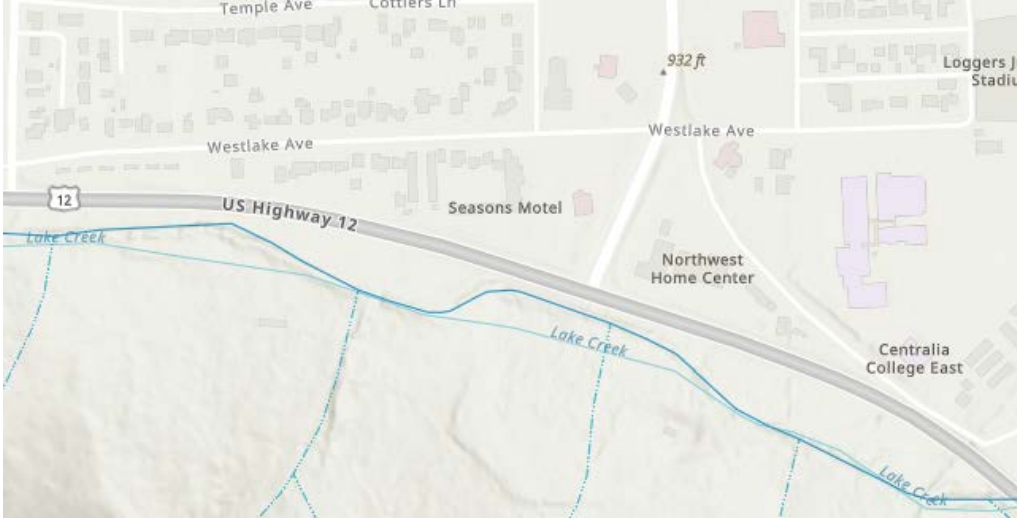
ROW	SUMMARY OF CHANGE	REVIEW	ACTION
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	The SMP was adopted in 2017 and includes critical areas regulations in Chapter 4.04.02.A.4.d., which require use of the federal wetland delineation manual. However, Appendix B – City of Morton Critical Areas 17.32.035.1 must be updated to capture reference to the USACE Wetland Delineation Manual.	Mandatory: SMP Appendix 2 17.32.035.1 has been updated to capture this change.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Morton contains no saltwater shorelines, therefore the SMP is not required to reflect this update.	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 SMP prohibits over-water residences (i.e. floating homes).	No action necessary.
d.	The Legislature authorized a new option to classify existing residential structures as conforming .	SMP Chapter 7.07.A. classifies existing residential structures as conforming, provided that they were legally established, and located landward of the OHWM and outside the floodway.	No action necessary.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	The SMP was adopted in 2017 and includes critical areas regulations in Chapter 4.04.02.A.4.d. that were in effect at that time. SMP Section 1.12 references the “effective date” of SMP amendments to be effective 14 days from Ecology’s written notice of final approval, which is in compliance.	No action necessary.
2009			
a.	The Legislature created new “relief” procedures	The SMP already makes reference to restoration project	No action necessary.

ROW	SUMMARY OF CHANGE	REVIEW	ACTION
	for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	relief procedures under SMP Chapter 6.06.02(l), referencing RCW 90.58.580.	
b.	Ecology adopted a rule for certifying wetland mitigation banks.	The SMP does not reference mitigation banking.	No action necessary.
c.	The Legislature added moratoria authority and procedures to the SMA.	Moratoria procedures are not required in the SMP. The City may rely on WAC 173-27-085, if they choose to use moratoria provisions.	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.	SMP Chapter 8.02 definition for "floodway" is in compliance.	Recommended: The City will refer to FEMA maps in their definition.
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.	SMP Chapter 1.06.01 lists the two waterbodies meeting the definition of a shoreline of the state: the Tilton River and Johnson Creek. Further, SMP Appendix 1 shows the "Shoreline Environment Designation Map", a document depicting all shoreline environment designations and shoreline jurisdiction adopted within the SMP update.	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 6.01.01, Shoreline Modification Table, lists certain restoration activities as being exempt and references WAC 173-27-040(2)(o) and WAC 173-27-040(2)(p). This code section includes fish habitat projects that conform to the provisions of RCW 77.55.181.	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.

Checklist Item #	SMP Section	Summary of change	Discussion
1.	Entire SMP	General “no net loss” clean up.	Cleaning up code inconsistencies with “no net loss” language phrasing.
2.	4.04.02.A, 4.04.02.C	Outdated MMC references.	Consider cleaning up MMC references that no longer exist.
3.	Table-5-2	Accessory structure height	Shoreline Residential designation allows 35 ft in height, which is inline with MMC 17.16.070, but clarifies that accessory buildings or structures are restricted to twenty (20) feet in height. Consider adding a note to SMP Table 5-2 to clarify height limits for accessory structures.
4.	7.07.B. – Nonconforming Development		In terms of the expansion of nonconforming uses and structures, the zoning code is more restrictive. consider either referencing MMC 17.56.030 or adopting identical language in the SMP.
5.	1.06.01 Extent of Shoreline Jurisdiction	It is Lake Creek, not Johnson Creek that is the shoreline of the state within city limits	As brought up in the January City Council meeting, a councilmember mentioned that Johnson Creek exists outside city limits and instead should be recognized as Lake Creek. Upon review of the USGS National Hydrography Dataset on ESRI’s living atlas, this creek name is confirmed (see screenshot below).

Checklist Item #	SMP Section	Summary of change	Discussion
 <p>Source: National Hydrography Dataset, USGS https://www.arcgis.com/apps/mapviewer/index.html?layers=f1f45a3ba37a4f03a5f48d7454e4b654</p>			
6.	4.04.02(C)	Clarifying buffer width reduction options	Ecology questions whether buffer width reductions are possible for shoreline and critical area buffers. So, an added reference to BAS is now included with burden of proof remaining on the applicant.
7.	4.04.02.A(4)	Movement of critical area exceptions that remain consistent with SMA.	With critical areas, applicability of certain sections (including references to shoreline variance versus reasonable use exceptions and variances) have been moved directly to within Appendix 2 of the SMP.