



City of Stevenson

Planning Department

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TO: Planning Commission
FROM: Ben Shumaker
DATE: March 7th, 2022
SUBJECT: Shoreline Master Program—The Home Stretch

Introduction

The Stevenson Planning Commission and Shoreline Advisory Committee are asked to review the Department of Ecology's recommended changes to the Council Authorized Shoreline Master Program. The Stevenson City Council authorized a final City draft for Ecology review in December 2018. The Department of Ecology Reviewed the City's proposal and issued an approval along with several required and recommended changes. The decisions of this group will be forwarded to the City Council as they consider the recommended changes.

Scope of Review

The task ahead is to review the 33 changes recommended by the Department of Ecology. Exceeding that scope (considering other changes) would require another cycle of review by the State, another cycle of required and recommended changes, etc.

Guidance

Staff has attached Ecology's recommendation to this memo and prepared a white board exercise to facilitate this review. The 33 changes are listed down the length of the white board along with citations to their location in the program. The board also has space to fill in dots. A **RED** dot would indicate rejection of the recommendation, a **GREEN** dot, acceptance, a **BROWN** dot would involve additional discussion by the group of the City Council.

Staff's initial review is pre-entered onto the white board with open circles. These are recommendations for group consideration only and additional discussion is expected.

Prepared by,

Ben Shumaker
Community Development Director

Attachment

- Ecology Recommended Changes
- Skamania County Residential Setback Provisions

ATTACHMENT C: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CITY OF STEVENSON SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 2018-322)

The following changes are recommended as consistent with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III) to clarify provisions for implementation:

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
1.	General	<p><i>[Correct scrivener errors, as needed, in Stevenson Municipal Code (SMC) 18.08, and the Shoreline Master Program (SMP).]</i></p> <ul style="list-style-type: none"> • SMC 18.08.110 - 1. Content. The content of <u>the</u> notice shall be... • SMC 18.08.185 - Items ‘E’ through ‘H’ should be formatted as ‘A’ through ‘D’ • SMP 2.3.2 - ...submittal requirements necessary for to ensure compliance... • SMP 2.4.3 - 3. ...the review criteria of this eChapter, and WAC 173-27. • SMP 2.5.2 - 3. In authorizing a MPA, the City may be attach conditions... • SMP 3.2.3 - 1. ...that are consistent with this WAC 173-26... • SMP 3.2.4 – 3. b. ...ecological functions or future <u>further</u> degrade... • SMP 4.1 - The provisions of this section <u>Chapter</u> apply generally... • SMP 4.2.1 - ...that: <u>1)</u> are either recorded at the state historic preservation office and/or by the City; <u>2)</u> have been identified in consultation with a Tribal Historic Preservation Officer; <u>or 3)</u> have been discovered inadvertently... • SMP 4.2.3 – 1.a. ...based on information from DAHP, or a prior archaeological report/survey, or based on a state or federal register... • SMP 4.2.3 – 3. ...If the cultural resource professional determines... • SMP 4.5.3 – 1.b. That a<u>N</u>onstructural measures are not feasible; • SMP 5.4.3 - 4.b. ...shall be designed, constructed, and maintained to so as not to interfere with or impair the navigational use <u>of</u> shorelines. • SMP 5.4.3 – 4.d.i. Where unassociated with water-dependent ntd uses... • SMP 5.4.6 – 1. ...institutional uses for the Skamania County... • SMP 5.4.11 – 3. f. ...special standards for to <u>ue</u>nure public and private... • SMP 5.4.11 – 4.b. ... plan, design, and locate where routes: <ul style="list-style-type: none"> <u>i. W</u>ill have the least possible adverse effect ... fragile shoreline features; <u>ii. W</u>and will not result in a net loss of shoreline ecological functions; and <u>iii. W</u>ill not or adversely impact existing or planned water-dependent uses. • b-c. <u>Alternative designs for transportation facilities...</u> • SMP 6.4.1 - 3.b. ii. ...establish mitigation ratios that deviate... • Appendix A - A.1. ...(SEDs) of those areas will take effect immediately... • Appendix A – A.3. ...as 1) legal actions related <u>to</u> annexation, land division... • Appendix B - B.2. ...Table A.2 is provided to catalogue the each letter... 	<p>Global Change – In collaboration with City staff, Ecology recommends revisions throughout SMC 18.08 and the SMP, as needed, to correct minor scrivener errors such as alpha-numeric formatting, misspelling, punctuation, typos, grammatical errors (i.e. <u>insertion/deletion</u> of ‘the’, ‘of’, ‘for’, ‘be’, etc.), capitalization, citations, hyphens, and similar that have no substantive effect on implementation. Many such corrections were suggested by City staff including, but not limited to, those shown at left.</p> <p>In addition, the City may opt to:</p> <ul style="list-style-type: none"> • remove the line numbering throughout the document so that reference citations are made solely by chapter, section, sub-section, provision, and sub-item numbers; • remove the page background watermark that reads ‘Council Authorized’; and • correct the numbering error at 4.4.4 – 4.4.6, both in the Table of Contents and Chapter 4. <p>Ecology supports these non-substantive clarifying revisions.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
2.	General	<p>2.9.1 Nonconforming Use & Development – Purpose – Applicability – Criteria ... 2. Nonconforming uses and developments on Stevenson’s shorelines shall meet the standards of the City of Stevenson Zoning Code, SMC 17.44 – Nonconforming Uses (<u>Said provisions include all amendments adopted through February 27th, 2017, the effective date of Ordinance 2017-1103</u>), with the following exceptions: ...</p> <p>5.4.13 Unlisted Uses 2. Process. To the extent practicable, the interpretation of uses under this SMP shall be guided by the Zoning Code’s provisions related to interpretation of uses at SMC 17.12.020 (<u>Said provisions include all amendments adopted through February 27th, 2017, the effective date of Ordinance 2017-1103</u>), provided that...</p>	<p>City staff suggested edit to include specific reference to City Zoning Code provisions that apply in shoreline jurisdiction. Ecology supports these clarifying revisions.</p>
3.	SMC 18.08 Shoreline Management	<p>.020 Shoreline Master Program and Map Adoption. A. There is made a part of this chapter a management plan which shall be known as the “Stevenson Shoreline <u>Master Management</u> Program” or “SMP,” adopted _____ <u>[date]</u> _____, as well as a map which shall be officially known as the “<u>Stevenson</u> Shoreline Environment Designation Map.” These documents shall be made available to the general public upon request.</p> <p>.050 Applicability of Provisions, Shorelines Designated. A. Unless specifically exempted by state statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and the Stevenson Shoreline <u>Master Management</u> Program.</p>	<p>In collaboration with City staff, Ecology recommends these text revisions for accuracy and internal consistency. Master - The submitted SMP document is titled Shoreline Master Program, consistent with the requirements of SMA and WAC. Also, SMP 1.1 Title establishes the name as Stevenson Shoreline Master Program. The SMP document title page, page header, sub-section headers and body text all use the SMA term. Our use of the term ‘master program’ is intended to indicate that an SMP has both goals & policies as <i>planning</i> components as well as specific <i>regulatory</i> standards. Date - Insertion of the Council final adoption date for accuracy before sending a final clean-copy version of the SMP to Ecology; City may opt to also include Ordinance Number. Stevenson - Insertion of the City’s name to the SED Map title provides better clarity.</p>
4.	SMC 18.08 Shoreline Management	<p>.050 Applicability of Provisions, Shorelines Designated. B. This chapter applies to all areas within shoreline jurisdiction as designated in the SMP, including: 1. That portion of the Columbia River shoreline which lies within city limits. This chapter will apply to any Columbia River shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP. The entire Columbia River shoreline is a Shoreline of State-Wide Significance; 2. The Rock Cove shoreline; 3. That portion of the Rock Creek shoreline which lies within city limits. This chapter will apply to any Rock Creek shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP.</p>	<p>The SMP will apply to any jurisdictional areas of the Columbia River, Rock Creek, or Ashes Lake upon annexation into the City regardless of predesignation. Per WAC 173-26-211(2.e) and SMP A.5.6, any area not predesignated (i.e. undesignated) would simply default to the Urban Conservancy SED until formally designated by way of an SMP amendment. By predesignating areas in the Urban Area Boundary, the City simply minimizes the chance of relying on this default requirement and eliminates the need for an SMP amendment. Ecology recommends revisions for accuracy & clarity.</p>

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		4. Any portion of the Ashes Lake shoreline which is annexed into the city; provided, the annexed shoreline has been pre-designated within the SMP.	
5.	SMC 18.08 Shoreline Management	SMC 18.08.120 Permits—Fees. A. An application for an approval under this chapter shall be accompanied by an application fee payable to the City in an amount established and periodically adjusted by the City Council. B. Fees are not refundable. C. Payment of an application fee does not guarantee that a permit will be issued.	Revision suggested by City staff to reflect newly adopted 2020 permit fee refund policy. Ecology supports this edit.
6.	SMP Acknowledgements	<i>[Update the members listed for City Council, Local Advisory Committee, and Planning Commission]</i> State Staff Support This <u>Comprehensive</u> Shoreline Master Program <u>Update amendment</u> is made possible by Washington State Department of Ecology Grant G1200-044 <u>and SEASMP-StevPW-02230</u> , with the assistance of Michelle McConnell, Regional Shoreline Planner	Listed Members - Clarifying edits suggested by City staff to ensure all city elected and appointed volunteers involved in the SMP to date are recognized. Ecology supports this edit. State Support – City staff suggested and Ecology supports these recommended revisions to modify the sub-title, and rephrase text as an SMP amendment to reflect the combined effort to satisfy both the comprehensive update and periodic review requirements. The 2019 – 21 Periodic Review grant Agreement number should also be reflected by similar text reference on the Cover Page. Ecology supports this edit.
7.	SMP Page Header	City of Stevenson 2018 -Shoreline Master Program City Council Authorized Draft Staff Clean-Up Draft September-December 2021	Global change - City staff suggested and Ecology supports these recommended revisions to the Page Header text throughout the document to accurately reflect the final adopted version SMP; this text should agree with any similar text references on the cover page and at SMC 18.08. Per City discretion, Page Header text could use: document name without a date; include the Council final adoption date; include the Ecology final approval date; OR include the Effective Date.
8.	SMP Table of Contents	2.5 Exemptions from Shoreline Substantial Development Permits Minor Project Authorizations 2.5.1 Exemptions Minor Project Authorizations – Interpretation and Guidelines 2.5.2 Statement of Exemption Process Minor Project Authorization Process	As written, the phrasing is internally inconsistent with Chapter 2 text that uses the term “Minor Project Authorization” at 2.5, 2.5.1, and 2.5.2. Ecology recommends revision to have the Table of Contents match the language used in the body of the SMP.
9.	1.1 Title	This document shall be known and may be cited as the Stevenson 2018 Shoreline Master Program (SMP).	2018 was the local approval date, not the effective date that will be determined by City’s final adoption by ordinance and Ecology’s final action. Ecology recommends revision for accuracy and internal consistency.

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10.	1.3 Shoreline Jurisdiction	<p>1.3.2 Applicable Shoreline Jurisdiction in Stevenson The extent of the shoreline jurisdiction shall be determined for specific project proposals based on the actual location of the OHWM, floodway, and the presence and delineated boundary of associated wetlands as may be determined on a site-by-site basis based on adopted definitions and technical criteria. The 2018 city limits of Stevenson includes...</p> <p>1.3.3 Shoreline Environment Designation Map The approximate shoreline jurisdictional area and the Shoreline Environment Designations (SEDs) are delineated on the map(s), hereby incorporated as a part of this SMP that shall be known as the "Stevenson Shoreline Environment Designation Map" (See Appendix A). The boundaries of the shoreline jurisdiction on the maps are approximate. The actual extent of shoreline jurisdiction <u>for specific project proposals</u> shall be based upon <u>the actual location of the OHWM, floodway, and the presence and delineated boundaries of associated wetlands as determined after</u> an on-site inspection and based on the definitions provided in accordance with SMP Sections 1.3.1 and 1.3.2, Chapter 3, Chapter 7, and in accordance with RCW 90.58.030.</p>	<p>1.3.2 - Revision suggested by City staff to delete duplicate language also addressed in the next sub-section.</p> <p>1.3.3 - Revisions suggested by City staff for clarity and to consolidate duplicative language.</p> <p>Ecology supports these clarifying revisions.</p>
11.	1.5 Shoreline Master Program Applicability to Development	<p>The SMP shall apply to all land and waters under the jurisdiction of Stevenson as identified in SMP Sections 1.3.1, 1.3.2, and 1.3.3 above. If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 and that provide the greatest protection of shoreline ecological resources shall apply, as determined by the Shoreline Administrator.</p> <p>This SMP shall apply to every person (<u>i.e.</u> individual, firm, partnership, <u>corporation</u>, association, organization, corporation cooperative, public or municipal corporation, or agency of the local or state <u>or local</u> governmental <u>unit however designated</u>) agency, public or municipal corporation, or other non-federal entity that <u>uses</u>, develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the SMA. The SMP shall not apply to federal agency activities on federal lands.</p> <p>SPlease see SMP Chapter 2 below for more information...</p> <p>1.6 Relationship to Other Plans and Regulations ...Applicants must also comply with the Stevenson Comprehensive Plan and any applicable subarea plan. <u>If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the SMA as</u></p>	<p>Conflicting Provisions – As suggested by City staff, move this 1.5 text to next section 1.6 as a more intuitive location for addressing SMP relationship to other plans and regulations. Ecology supports this clarifying edit.</p> <p>Applicability – City staff suggested text revisions to better reflect RCW 90.58.030 Definitions: (1)(e) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. Ecology supports this clarifying edit with the added insertion of 'uses'.</p> <p>1.6 - As suggested by City staff, move text from the previous section 1.5 as a more intuitive location for addressing SMP relationship to other plans and regulations. Ecology supports this clarifying edit.</p>

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		<p><u>stated in RCW 90.58.020 and that provide the greatest protection of shoreline ecological resources shall apply, as determined by the Shoreline Administrator.</u> The City's Shoreline Administrator or designee...</p>	
12.	2.4 Permit Process	<p>2.4.1 Permission Required ... 2. Activities <u>excepted exempt</u> from obtaining permission under this SMP include projects: ...</p>	<p>Ecology recommends revision for accuracy and internal consistency. Only WAC 173-27-040 lists SDP <i>exemptions</i>, the items listed here are <i>exceptions</i> to local review. As written the wording is internally inconsistent with the SDP exemptions addressed at SMP 2.5 and could cause confusion during implementation.</p>
13.	2.5 Minor Project Authorizations (MPA)	<p>2.5.1 Minor Project Authorizations – Interpretation & Guidelines 1. Exemptions—as required by State law—shall be construed narrowly. Only those developments that <u>meeting</u> the precise terms of one or more of the state-process exemptions listed in WAC 173-27-040 may be reviewed as a Minor Project Authorization instead of as a SSDP. ... 5. An exemption from the state's SSDP process is not an exemption from compliance with the SMA (RCW 90.58), this SMP, or any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the SMA. Exemptions must still <u>achieve</u> comply with no net loss of...</p>	<p>Minor clarifying edits suggested by City staff for improved grammar/phrasing. Ecology supports these edits. See also Required Changes to 2.5 in Attachment B.</p>
14.	3. Shoreline Environment Designation Provisions	<p>3.1 Introduction The state SMP guidelines require that Shoreline Environment Designations be assigned to shoreline areas according to their function, existing land uses, and the goals and aspirations of the community. For those unfamiliar with the Shoreline Management Act (SMA), a Shoreline Environment Designation 5 (SED) is similar to the more common concept of a zoning district. Consistent with the City's requirements under the SMA, this chapter provides a system SEDs which mirror those outlined in the SMP guidelines and overlay other zoning district requirements. The locations of the City's SEDs are described in and depicted on the map of shoreline jurisdiction and environment designations in Appendix A- <u>including descriptions of parallel environments, waterbody-specific interpretations, a parcel guide, and criteria to clarify boundary interpretations.</u></p>	<p>Additional language here would help the reader to recognize the Appendix has additional provisions related to the text of Chapter 3. Ecology recommends revision for clarity, as related to WAC 173-26-211(2.e)</p>
15.	4.3 Environmental Protection & No Net Loss	<p>4.3.2 Regulations 5. Mitigating for Impacts. When impacts related to a proposal require mitigation, the following shall apply: a. The proposal shall achieve no net loss of ecological functions.</p>	<p>There is frequent confusion between:</p> <ul style="list-style-type: none"> • compensatory mitigation that is <i>required</i> to offset the impacts of a permitted project; and • voluntary restoration conducted <i>at-will</i> solely for the improvement of degraded or impaired shorelines as an action separate from any new use/development activity.

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		<p>b. The City shall not require mitigation in excess of that necessary to assure the proposal 1) results in no net loss of ecological function and 2) does not have a significant adverse impact on other shoreline functions fostered by this SMP.</p> <p>c. Compensatory mitigation shall give preference to measures that replace the impacted function directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation identified in the Restoration Plan or within located elsewhere in the same reach or watershed that addresses limiting factors or identified critical needs for shoreline resource conservation may be authorized, <u>including appropriate actions identified in the Restoration Plan.</u></p> <p>d. Unless waived by the City, authorization of compensatory mitigation shall require...</p>	<p>The SMP requires the former per the mitigation sequence, and supports/encourages the implementation of the Restoration Plan (RP) as a non-regulatory companion to the SMP. However, a unique circumstance could potentially occur where an action identified in the RP may be just the right fit to meet a project’s mitigation requirement, and may be conducted as such. Otherwise, mitigation and restoration are separate.</p> <p>Ecology recommends revisions for added clarity.</p> <p>See also Required Changes to 4.3.2 in Attachment B.</p>
16.	4.5 Flood Hazard Reduction	<p>4.5.1 Applicability</p> <p>1. The provisions of this section <u>and the critical areas protections above</u> apply in addition to the regulations for frequently flooded areas in SMC 18.13 <u>and the floodplain management regulations in SMC 15.24, including reliance on the established FEMA FIRMs, as amended</u> and the critical areas protections above.</p>	<p>The existing text is acceptable as written. However in collaboration with City staff, Ecology recommends revision to add a soft reference to other applicable City regulations as a courtesy to the reader, and to help avoid confusion about use of the most current FIRMs. This way any future City updates to the maps adopted by the Flood Regulations will not require further revisions to the SMP. Sentence reorganization suggested for clarity/better phrasing.</p> <p>18.13.105 - Critical area—Frequently flooded areas.</p> <p>A. Classification and Designation. All lands identified in the Federal Emergency Management Agency (FEMA) FIRMs, as amended and approved by the city as being within Zone A, are designated as frequently flooded areas.</p> <p>B. Performance Standards. All development within designated frequently flooded areas shall comply with the city of Stevenson Floodplain Management Regulations, Chapter 15.24, as now or hereafter amended.</p> <p>15.24.040 - Basis for establishing the areas of special flood hazard.</p> <p>The areas of special flood hazard identified by the Federal Insurance Administration as Zone A as shown on the Flood Insurance Rate Map for City of Stevenson, WA, Community No. 530161 A, Panels 01-02, dated July 17, 1986 and Skamania County Washington, Community No. 530160, Panel 425, dated August 5, 1986, including any revisions thereto, and any revisions hereafter, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map is on file at City Hall, 7121 East Loop Road, Stevenson, WA.</p>
17.	4.6 Public Access	<p>4.6.2 Policies</p> <p>5. New development should identify and preserve key shoreline views and avoid <u>obstructing</u> such views from public areas.</p>	<p>As written, the sentence is unclear – add missing word ‘obstructing’.</p> <p>In consultation with City staff, Ecology recommends revision for added clarity.</p>

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18.	4.6 Public Access	<p>4.6.3 Regulations ... 9.c. The City may require specific public access improvements (e.g., public viewing decks, etc.) as mitigation in lieu of more significant modifications to site and building design when the Planning Commission determines that <u>finds</u> such modifications would be an unreasonable financial burden on the applicant. 10. Where there is a conflict between water-dependent shoreline uses or physical public access and maintenance of views from public properties or substantial numbers of residences that cannot be resolved using the techniques in Regulation 9 above, the water-dependent uses and physical public access shall have priority, unless there is the Planning Commission finds <u>a compelling reason to the contrary.</u></p>	<p>Revisions suggested by City staff for clarity. Ecology supports these edits. See also Required Changes to 4.6.3 in Attachment B.</p>
19.	4.7 Water Quality & Non-Point Source Pollution	<p>4.7.3 Regulations 2. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that significant impacts to aesthetic qualities or recreational opportunities do not occur. A significant impact to aesthetics or recreation would occur if a stormwater facility and appurtenant accessory structures (e.g., fences or other features) have the potential to block or impair a view of shoreline waters from public land or from a substantial number of residences per RCW 90.58.320, or if water quality were visibly degraded so as to discourage normal uses (e.g., swimming, fishing, boating, viewing, etc.). ...</p>	<p>In collaboration with a City staff suggested edit to revise the term ‘appurtenance’, Ecology proposes using the term ‘accessory’ as more appropriate given that the term ‘appurtenance’ is related to single-family residential uses, per Chapter 7 Definitions. Most water quality threats to humans & wildlife are not ‘visible’ so any kind of degradation should be avoided, visible or not. Ecology recommends these revisions for accuracy & clarity.</p>
20.	5.1 Introduction	<p>The provisions in this chapter apply to specific uses and types of development that typically occurring in shoreline areas...</p>	<p>City staff suggested edits for clarity/phrasing. Ecology supports this edit.</p>
21.	5.4.3 Boating Facilities & Overwater Structures	<p>4. Regulations: ... f. Installation of boat waste disposal facilities... The locations of such facilities shall be considered on an individual basis in consultation with the state departments of Ecology, <u>Fish & Wildlife</u>, Health, <u>Natural Resources, and</u> Parks, and Washington State Department of Natural Resources (DNR) and WDFW, as necessary.</p>	<p>City staff suggested edits for clarity/improved phrasing. Ecology supports these edits. See also Required Changes to 5.4.3.4 in Attachment B.</p>
22.	5.4.4 Commercial & Industrial	<p>4. Regulations: ... b. Prior to approval of water-dependent uses, the Administrator <u>City</u> shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.</p>	<p>City staff suggested edit for accuracy based on roles described at Chapter 2. Ecology supports this edit.</p>
23.	5.4.5 Forest Practices	<p>4. Regulations: ... d.vii. Log Storage. Log storage shall occur outside of shoreline jurisdiction whenever other areas are demonstrated to be feasible. Log storage may occur at industrial sawmill</p>	<p>City staff suggested edits for clarity/improved phrasing. Ecology supports these edits.</p>

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		operations at previously cleared and improved industrial sites for the purposes of shipment and storage for milling, provided that erosion and sediment control BMPs <u>are implemented</u> in compliance with the Stormwater Management Manual for Western Washington (2014 or as amended).	
24.	5.4.6 Institutional	<p>3. Policies: ... d. Institutional developments that <u>abutting</u> the water's edge should provide physical and/or visual public access to the shoreline consistent with SMP Section 4.6.</p> <p>4. Regulations a. Institutional uses shall be designed to prioritize uses such that water-dependent uses have preferred shoreline location, followed by water-enjoyment <u>related</u> and water enjoyment uses, with non-water-oriented uses having least priority. This includes, where feasible locating water-related uses landward of water-dependent and water enjoyment uses, and non-water-oriented uses landward of all water-oriented uses.</p>	<p>3.d - City staff suggested edits for improved grammar/phrasing. Ecology supports this edit.</p> <p>4.a - As written, the duplicate word appears to be a typo; water-related and water-enjoyment uses are often addressed together. In concurrence with a City staff suggested edit, Ecology recommends revision to correct the error.</p>
25.	5.4.7 Instream Structures	<p>1. Location Description. Stevenson's shorelines include a variety of i Instream structures include <u>ing</u> dams, irrigation facilities, hydroelectric facilities, utilities, and flood control facilities. Instream structures are important because they provide specific benefits to humans, but also can impact the environment by impeding fish migrations, disrupting waterbody substrate, and changing the flow of waters.</p>	<p>City staff suggested edits for clarity/phrasing. Ecology supports this edit.</p>
26.	5.4.10 Residential Development	<p>4. Regulations: d. Setbacks: New, expanded, or altered residential uses and development and appurtenant and accessory uses shall adhere to the setback standards in SMP Table 5-1. i. Minor Setback Adjustments, <u>Views Setback Consistency</u>. The Shoreline Administrator may approve a minor adjustment in setback standards for <u>a</u> single-family residential <u>primary structure uses</u>, up to a maximum of 10% provided that: 1. A single family dwelling exists on an adjacent property, and has a setback measurement that is closer than current requirements; 2. The adjustment area does not contain native vegetation; 3. Critical areas or buffers are not present, would not be impacted, or will be mitigated on site to achieve no net loss; and 4. The applicant demonstrates that reducing the setback using this approach would improve views from the proposed single-family residence <u>that would otherwise be obstructed by the adjacent home. This setback adjustment is intended to provide equitable treatment between properties but does not guarantee equal or equivalent views.</u></p>	<p>i - The sub-title indicates the setback reduction is intended to provide consistent setbacks for adjacent homes, but the criteria show it's about protecting views so it's more accurate for the sub-title to better reflect the intent. Neither the SMA nor Guidelines promise parity for the sake of 'fairness' alone. However, a limited allowance to provide prescriptive relief from an obstructed view is an acceptable approach often called a 'common line' setback/buffer. As written, this setback reduction would allow any 'SFR use' to locate closer, rather than only the primary structure; views from appurtenant or accessory structures should not qualify for setback reduction. Implementing this provision too broadly could affect cumulative impacts and achieving NNL.</p> <p>i.4 - Relief from view obstruction seems to be the intent not allowing a home to locate closer than the standard setback just to get a better view. See also our SMP Handbook Chapter 11 (page 31) that notes:</p>

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			<p><i>The SMP should state that providing equitable treatment for the property owner does not mean necessarily providing an equal or equivalent view.</i></p> <p>Ecology recommends revisions for clarification to avoid overly-broad implementation of this provision to ensure NNL.</p> <p>See also Required Changes to 5.4.10 in Attachment B.</p>
27.	5.4.10 Residential Development	<p>4. Regulations: g. Piers and Joint-use Docks. For <u>new</u> residential development of more than 2 sd dwellings occurring since the effective date of this SMP, single-user residential docks shall not be permitted. Joint-use moorages may be allowed for such development pursuant to SMP Section 5.4.3.</p>	<p>As written, this provision doesn't accurately reflect WAC 173-26-231(3)(b):</p> <p><i>Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.</i></p> <p>Ecology recommends revision for accuracy & clarity, consistent with WAC 173-26-231(3)(b).</p> <p>See also Required Changes to 5.4.10 in Attachment B.</p>
28.	5.4.11 Transportation & Parking Facilities	<p>3. Policies. b. When it is necessary to locate transportation facilities in shoreline areas, they should be located where routes will have the least impact to shoreline ecological functions, will not result in a net loss of shoreline ecological functions, and will not <u>adversely</u> impact existing or planned water-dependent uses adversely. ...</p>	<p>Revisions suggested by City staff for improved phrasing.</p> <p>Ecology supports these edits.</p> <p>See also Required Changes to 5.4.11 in Attachment B.</p>
29.	5.4.12 Utilities	<p>2. Applicability ... c. This section applies to actions related to utility facilities which do not qualify as normal repair and maintenance under SMP Section 2.5.</p> <p>3. Policies. ... b. Utility facilities should <u>be located within</u> existing transportation and utility rights-of-way, easements, or existing cleared areas to the greatest extent feasible.</p>	<p>2.c - This provision is internally inconsistent with SMP 2.5.1 Minor Project Authorizations (MPA) that specifically notes:</p> <ul style="list-style-type: none"> • “the project is not exempt from compliance with this SMP” and • “5. An exemption from the state’s SSDP process is not an exemption from compliance with the SMA (RCW 90.58), this SMP, or any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the SMA. Exemptions must still comply with no net loss of ecological functions, which may require mitigation even though the review activity is exempt from the state process. <p>3 - Revision suggested by City staff for improved grammar/phrasing.</p> <p>Ecology supports this edit.</p>
30.	7. Definitions	<p>As used in this SMP, the words below have the meaning given here unless the context clearly dictates otherwise. <u>The definitions and concepts set forth under RCW 90.58.030, WAC 173-26-020, WAC 173-20, WAC 173-22, and WAC 173-27-030 also apply, and in the event of conflict the established definitions of statute and rule shall prevail.</u></p>	<p>Ecology recommends revision to reference those terms defined by statute and rule as applicable even if not defined in the SMP, consistent with WAC 173-27-030(19).</p> <p>As related to this overall clarifying statement, City staff suggested a global change to add the specific RCW/WAC citation to each term listed that is defined by RCW 90.58.030, WAC</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		[See also <i>Exhibit 1</i> , attached]	173-26-020, WAC 173-20, WAC 173-22, and WAC 173-27-030 as a cross reference within Chapter 7. City staff also suggested additional minor adjustments, revisions & deletions to many Chapter 7 definitions for improved grammar/phrasing, accuracy and clarity, and the addition of a few terms used in the SMP but unintentionally omitted. Ecology supports these non-substantive revisions, presented separately in the attached Exhibit 1 .
31.	7. Definitions	Upland Finfish Rearing Facilities – Those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size of commercial market sale. This definition shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. (Upland finfish-rearing facilities are included in the SMA definition of agricultural <u>equipment and agricultural facilities activities</u> , not aquaculture [RCW 90.58.065]). Upland finfish and upland finfish rearing facilities are not defined in the SMA or implementing WAC.	As written this definition is inconsistent with RCW 90.58.065(2): <i>(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and ...</i> Ecology recommends revision for accuracy and consistency with RCW 90.58.065.
32.	Appendix A – Shoreline Environment Designation Map	A.5 Boundary Interpretation 4. ... of not more than 50 feet beyond the district <u>SED</u> boundary line.	Revision suggested by City staff for improved grammar/phrasing. Ecology supports this edit.
33.	Appendix B – Amendment Log & Ecology Approval Letters	B.1 Record of Changes Changes made to the Stevenson Shoreline Master Program since its original adoption in <u>2018</u> are recorded in Table A.1 – SMP Amendment Log.	Revision suggested by City staff for accuracy. Ecology supports this edit.

As noted in Attachment C Item #30, the following 68 definitions are proposed for revision as detailed below:

Agricultural Activities – See WAC 173-26-020 – Definitions. Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural Equipment and Agricultural Facilities – See WAC 173-26-020 – Definitions. A term including but not limited to: (a) the following used in agricultural operations: Equipment; machinery; constructed shelter, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to pumps, pipes, tapes, canals, ditches, and drains; (b) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (c) farm residences and associated equipment, lands, and facilities; and (d) roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural Land – See WAC 173-26-020 – Definitions. Those specific land areas on which agriculture activities are conducted.

Aquaculture – See WAC 173-26-020 – Definitions. The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include upland finfish rearing facilities, which are considered agriculture. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

Associated Wetland – See WAC 173-22-030 – Definitions. Those wetlands ~~that~~ which are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the SMA. Refer to RCW 90.58.030.

Average Grade Level – See WAC 173-27-030 – Definitions. The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

Channel Migration Zone (CMZ) – See WAC 173-26-020 – Definitions. The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

Clearing – The destruction or removal of vegetation (e.g., ground cover, shrubs and trees); including but not limited to, root material removal and/or topsoil removal.

Commercial Use – A business use or activity involving retail or wholesale marketing of goods and services. (e.g., Examples of commercial uses include restaurants, offices, and retail shops, etc.).

Conditional Use – See WAC 173-27-030 – Definitions. A use, development, or substantial development which is classified as a conditional use or is not classified within this SMP. (WAC 173-27-030(4)).

Critical Areas – See SMC 18.13.010 – Definitions and WAC 173-26-020 – Definitions.

Development – See RCW 90.58.030 – Definitions and Concepts and WAC 173-27-030 – Definitions. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the SMA of the state subject to Chapter 90.58 RCW at any state of water level ~~(RCW 90.58.030(3d3a)).~~ "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

Ecological Function or Shoreline Function – See WAC 173-26-020 – Definitions. The work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecosystem-wide Processes – See WAC 173-26-020 – Definitions. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Fair Market Value – See WAC 173-27-030 – Definitions. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials ~~(WAC 173-27-030(8)).~~

Feasible – See WAC 173-26-020 – Definitions. For the purpose of this SMP, that an action (e.g., a development project, mitigation, or preservation requirement, etc.) meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project's primary intended legal use. In cases where this SMP requires certain actions ~~are required~~ unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City and State may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill – See WAC 173-26-020 – Definitions. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and Wildlife Habitat Conservation Areas – See SMC 18.13.010 – Definitions. ~~Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas may also include locally important habitats and species. Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.~~

Exhibit 1 to Ecology's Attachment C. Recommended Changes – City Staff Suggested Edits to Chapter 7 Definitions

Floating Home – ~~See WAC 173-26-020 – Definitions.~~ A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Flood or Flooding – ~~See SMC 18.13.010 – Definitions. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1. the overflow of inland or tidal waters; 2. the unusual and rapid accumulation or runoff of surface waters from any sources.~~

Floodplain or Flood Plain– ~~See WAC 173-22-030 – Definitions and WAC 173-26-020 – Definitions.~~ An area term synonymous with 100-year floodplain and means the land area susceptible to ~~being inundated by stream derived waters~~ with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area ~~are is~~ based on flood regulation ordinance maps or a reasonable method ~~that which~~ meets the objectives of the SMA ~~(WAC 173-26-020).~~

Gangway – A walkway that connects a pier to a dock; ~~often used in areas where the water level changes because of tidal or seasonal variations.~~

Garden – An area devoted to the cultivation of soil or production of crops in a manner incidental and subordinate to the principal use of the property. ~~Examples include (e.g., private residential gardens, community gardens, and or pea patches associated with a public park, etc.).~~

Geologically Hazardous Areas – ~~See SMC 18.13.010 – Definitions. Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events (as designated by WAC 365-190-080(4)) may not be suited to development consistent with public health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.~~

Geotechnical Report or Geotechnical Analysis – ~~See WAC 173-26-020 – Definitions.~~ A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading – ~~See WAC 173-26-020 – Definitions.~~ The movement or redistribution of the soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land.

Height – ~~See WAC 173-27-030 – Definitions. A measurement from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; Provided further, That temporary construction equipment is excluded in this calculation.~~

May – ~~See WAC 173-26-020 – Definitions.~~ The action is acceptable, provided it conforms to the provisions of this SMP.

Modification or Shoreline Modification – ~~See WAC 173-26-020 – Definitions.~~ Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element (e.g., dike, breakwater, pier, weir, dredged basin, fill, bulkhead, ~~or~~ other shoreline structure, etc.) or other actions (e.g., clearing, grading, application of chemicals, etc.).

Exhibit 1 to Ecology's Attachment C. Recommended Changes – City Staff Suggested Edits to Chapter 7 Definitions

Mooring Buoy – A floating object anchored to the bottom of a waterbody ~~that to~~ provides tie up capabilities for boats or watercraft.

Must – See WAC 173-26-020 – Definitions. A mandate; the action is required.

Native– See SMC 18.13.010 – Definitions.

Natural or Existing Topography – See WAC 173-27-030 – Definitions. The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Nonwater-Oriented Use – See WAC 173-26-020 – Definitions. Those uses that are not water-dependent, water-related, or water enjoyment. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

Oregon White Oak Woodland – A priority habitat involving stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25 percent; or where total canopy coverage of the stand is less than 25 percent, but oak accounts for at least 50 percent of the canopy coverage present. The latter is often referred to as an oak savanna. ~~East of the Cascades, priority oak habitat is stands 5 acres in size. In urban or urbanizing areas, single oaks, or stands of oaks less than 1 acre, may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height [DBH], are used by priority species, or have a large canopy).~~

Ordinary High Water Mark or OHWM – See RCW 90.58.030 – Definitions and Concepts and WAC 173-22-030 – Definitions. That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971, as it may have naturally changed thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology: provided that in any area where the OHWM cannot be found, the OHWM adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water.

Pier – An overwater structure ~~that~~ adjoining the shoreline built on a fixed platform to provide access and a landing or moorage place for commercial, industrial and pleasure watercraft.

Priority Habitat – See WAC 173-26-020 – Definitions. A hHabitat types or elements with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes (a) comparatively high fish or wildlife density; (b) comparatively high fish or wildlife species diversity; (c) fish spawning habitat; (d) important wildlife habitat; (e) important fish or wildlife seasonal range; (f) important fish or wildlife movement corridor; (g) rearing or foraging habitat; (h) important marine mammal haul-out; (i) refugia habitat; (j) limited availability; (k) high vulnerability to habitat alteration; (l) unique or dependent species; or (m) shellfish bed as classified by WDFW. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

Priority Species – See WAC 173-26-020 – Definitions. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed in WAC 173-26.020(31).

Public Interest – See WAC 173-27-030 – Definitions. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety or general welfare resulting from a use or development.

Restoration, Restore, Restoration or Ecological Restoration – See WAC 173-26-020 – Definitions. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. ~~For the purposes of permitting, proposals for fish acclimation facilities are considered a form of restoration.~~ Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre- European settlement conditions.

River Delta – See WAC 173-22-030 – Definitions. Those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Shall – See WAC 173-26-020 – Definitions. A mandate; the action ~~is required~~must be done.

Shorelands or Shoreland Area – Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by Ecology. Optional areas allowed by RCW 90.58.030 are not included by the City.

Shoreline Habitat and Natural Systems Enhancement Projects – ~~those~~Those activities proposed and conducted specifically for the primary purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.

Shoreline Stabilization – ~~actions~~Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes (e.g., current, flood, tides, wind, wave action, etc.). These actions include structural and non-structural methods.

Shoreline Stabilization , Nonstructural – Shoreline stabilization methods ~~including~~ing building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization.

Shoreline Stabilization, Structural – Shoreline stabilization methods ~~can be~~including “hard” or “soft types. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These static structures are traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials (e.g., vegetation, drift logs, gravel, etc.). They are intended to absorb wave energy, mimicking the function of a natural beach. Examples of soft and hard stabilization techniques are listed below.

Shorelines – See RCW 90.58.030 – Definitions and Concepts. All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines of Statewide Significance – See RCW 90.58.030 – Definitions and Concepts. A select category of shorelines of the state, defined in RCW 90.58.030(2)(f), including larger lakes and rivers with higher flow.

Exhibit 1 to Ecology's Attachment C. Recommended Changes – City Staff Suggested Edits to Chapter 7 Definitions

Shorelines of the State – See RCW 90.58.030 – Definitions and Concepts. The total of all “shorelines” and “shorelines of statewide significance” within the state.

Significant Vegetation Removal – See WAC 173-26-020 – Definitions. The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Soil Bioengineering – ~~An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.~~

Stream – See SMC 18.13.010 – Definitions and WAC 173-22-030 – Definitions.

Structure – See WAC 173-27-030 – Definitions. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Substantial Development – See RCW 90.58.030 – Definitions and Concepts. Any development of which the total cost or fair market value exceeds \$7,047, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established here is adjusted for inflation by OFM every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period, as defined by RCW 90.58.030(3)(e). Some activities shall not be considered substantial developments for the purpose of this SMP; see also SMP Chapter 2.

Substantially Degrade – See WAC 173-26-020 – Definitions. To cause significant ecological impact.

Transportation Facilities – Those structures and developments ~~that aiding~~ in land and water surface movement of people, goods, and services (e.g., They include roads, and highways, bridges, and causeways, bikeways, trails, and railroad facilities, etc.).

Utilities, Accessory – Utilities composed of small-scale distribution and collection facilities connected directly to development within the shoreline area: (e.g., Examples include local power, telephone, cable, gas, water, sewer, and stormwater service lines, etc.).

Utilities, Primary – Utilities comprising trunk lines or mains that serve neighborhoods, areas and cities: (e.g., Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities, sewage lift stations and mains, power generating or transmission facilities, gas storage and transmission facilities, and stormwater mains and regional facilities, etc.).

Variance – See WAC 173-27-030 – Definitions. A means to grant relief from way by which an adjustment is made in the application of the specific bulk, dimensional or performance standards set forth in this SMP and not a means to vary a use of a shoreline. ~~regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.~~

Vessel – See WAC 173-27-030 – Definitions. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

Exhibit 1 to Ecology's Attachment C. Recommended Changes – City Staff Suggested Edits to Chapter 7 Definitions

Water-Dependent Use – See WAC 173-26-020 – Definitions. A use or a portion of a use which cannot exist in ~~any other~~ location that is not adjacent to the water and which ~~and~~ is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

Water-Enjoyment Use – See WAC 173-26-020 – Definitions. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-Oriented Use – See WAC 173-26-020 – Definitions. ~~Any combination of use that is~~ water-dependent, water-related, ~~and/or water enjoyment~~ or a combination of such uses ~~and serves as an all-encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.~~

Water Quality – See WAC 173-26-020 – Definitions. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quality" refers only to development and uses regulated under this SMP and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quality, for the purposes of this SMP, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-Related Use – See WAC 173-26-020 – Definitions. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Wetlands or Wetland Areas – See SMC 18.13.010 – Definitions, RCW 90.58.030 – Definitions and Concepts, and WAC 173-22-030 – Definitions. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland in order to mitigate conversion of wetlands.