



City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: Planning Commission/Shoreline Advisory Committee
FROM: Ben Shumaker
DATE: March 14th, 2022
SUBJECT: Shoreline Master Program—Final Draft

Introduction

The Stevenson Planning Commission and Shoreline Advisory Committee are asked to review and recommend action on the Shoreline Master Program. This review considers the 2018 Council-Authorized draft program, the Department of Ecology's required and recommended changes to that document, and all public comments on the changes. The recommended action of this group will be forwarded to the City Council as soon as March 17th, 2022.

Scope of Review

On March 7th, the Planning Commission/Shoreline Advisory Committee reviewed the 33 changes recommended by the Department of Ecology. Tonight's review asks the group to evaluate all public comments received between February 9th and March 14th, 2022 and affirm or change the tentative recommendations reviewed on March 7th.

Guidance

Staff will again rely on the white board used on March 7th. This lists the 33 recommended changes and uses a **GREEN** dot to indicate the group's acceptance of Ecology's recommendation and a **RED** dot to indicate their rejection. Public comments on any specific change will be highlighted by outlining the topic with a **BOLD** rectangle.

Formal motion and vote by the Shoreline Advisory Committee is not required, but can occur if desired.

The Planning Commission should make a final action—by motion—to recommend the City Council adoption of Ordinance 2022-1181 amending SMC 18.08 and the SMP subject to the changes required by Ecology and recommended by the Shoreline Advisory Committee.

Prepared by,

Ben Shumaker
Community Development Director

Attachment

- Public Comment Response Summary (Current as of 5:00pm on March 14th) (3 pages)
- Draft Ordinance 2022-1181 (Includes SMC 18.08 and SMP with all changes tracked) (112 pages)
- Ecology Approval (74 pages)

Public Comment Summary: City of Stevenson State Approval with Required & Recommended Changes

Local Public Comment Period: February 9 – March 14, 2022

Prepared by Ben Shumaker, City of Stevenson; March 14, 2022

Reviewed by the Stevenson Planning Commission/Shoreline Advisory Committee on March 14, 2022

Comment Number	SMP Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
1	Shoreline Jurisdiction	M. Repar, Shoreline Advisory Committee, March 5 th , 2022	Suggests use of alternate name for a Shoreline waterbody (Ash Lake instead of Ashes Lake)	City staff reviewed this comment from a Shoreline Advisory Committee member. The comment is unrelated to the Required or Recommended Changes from the Department of Ecology. City staff consulted with the USGS Geographic Name Information System and confirmed Ashes Lake is the name applied to the area. Staff then advised the Commenter to investigate the US Board of Geographic Name’s process to change names.
2	Global	City Council Public Hearing, February 17 th , 2022	No testimony was given at the public hearing.	None.
3	Global	Shoreline Advisory Committee/ Planning Commission, March 7 th , 2022	Reviewed the Recommended Changes in Attachment C & C1 of Ecology’s approval. Tentatively agreed to accept all recommended changes with 1 exception. The modification in #20 would result in incorrect grammar. The recommendation to delete “that” was rejected, but the recommendation to delete “...ing” was accepted.	None.
4	Global	M. Repar, Shoreline Advisory Committee, March 13 th , 2022	Supports City adoption with changes as discussed on March 7 th .	None.

**See original comment letter for complete verbiage.*



Ben Shumaker <ben@ci.stevenson.wa.us>

Special Stevenson Planning Commission Meeting - Shoreline Master Program & Comprehensive Plan

repar@saw.net <repar@saw.net>

Sat, Mar 5, 2022 at 2:03 PM

To: Ben Shumaker <ben@ci.stevenson.wa.us>

Cc: planning <planning@ci.stevenson.wa.us>

Can we agree on one name for Ash Lake--F&W calls it Ashes lake but other references use Ash Lake. Lowell's name was Ash, if I remember correctly. Little Ash Lake, too. Thanks.

Mary Repar
P.O. Box 103
Stevenson, WA 98648

tel: (360) 726-7052

From: "Ben Shumaker" <ben@ci.stevenson.wa.us>

To: "planning" <planning@ci.stevenson.wa.us>

Sent: Tuesday, March 1, 2022 12:12:19 PM

Subject: Special Stevenson Planning Commission Meeting - Shoreline Master Program & Comprehensive Plan

[Quoted text hidden]



Ben Shumaker <ben@ci.stevenson.wa.us>

A New Meeting Document is Available from Stevenson, WA

repar <repar@saw.net>

Sun, Mar 13, 2022 at 5:25 PM

To: Ben Shumaker <ben@ci.stevenson.wa.us>, planning <planning@ci.stevenson.wa.us>

Dear Ben, and Planning Commission,

I will not be at the March 14th commission meeting. I want to reiterate my support for the SMP, where we went through the suggestions from Ecology, etc., and as as we talked about all the changes and approved them, this last week during the special meeting of the commission and members of the Advisory Board. A lot of hard work went into this document and it should be sent to the City Council for approval. Thank you for all your labor on this document too, Ben.

As you all know I believe that if we protect our environment and ecosystems all of us, human and not human, will benefit. For if our environment is healthy then so shall we all be healthy.

Mary Repar
P.O. Box 103
Stevenson, WA 98648
tel: (360) 726-7052

From: Ben <ben@ci.stevenson.wa.us>

To: planning <planning@ci.stevenson.wa.us>

Date: Friday, 11 March 2022 2:20 PM PST

Subject: FW: A New Meeting Document is Available from Stevenson, WA

[Quoted text hidden]

**CITY OF STEVENSON
ORDINANCE 2022-1181**

**CONCERNING THE SHORELINE MASTER PROGRAM
COMPREHENSIVE UPDATE AND PERIODIC REVIEW
REQUIRED BY RCW 90.58.080.**

WHEREAS, the Shoreline Management Act (SMA) requires the City of Stevenson (City) to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, RCW 90.58.080(2) requires the City to adopt a comprehensive SMP update RCW 90.58.080(4) requires the City to periodically review and, if necessary, revise the SMP; and

WHEREAS, the comprehensive update and review processes are intended to bring the SMP into compliance with requirements of the SMA or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, on December 20, 2018, the City adopted Resolution 2018-0322 which catalogued compliance with the SMA and applicable state guidelines (WAC 173-26) and which forwarded to Ecology the *City of Stevenson Shoreline Master Program* dated December 2018 and amendments to SMC 18.08 – Shoreline Management dated December 2018 with a recommendation to adopt with or without changes; and

WHEREAS, on January 21, 2022, Ecology approved the City’s submittals subject to specifically identified required changes and further recommended specifically-identified changes; and

WHEREAS, the City published a legal notice in *The Skamania County Pioneer* on February 9 and 16, 2022 for a public hearing on the required and recommended changes, including a statement that the hearing was intended to address the comprehensive update and periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the City Council took public testimony on the proposal at a public hearing on February 17, 2022; and

WHEREAS, the Planning Commission and Shoreline Advisory Committee reviewed the public testimony and written comments on the required and recommended changes and suggested revisions; and

WHEREAS, the Planning Commission recommended approval of the proposed revisions and forwarded to the City Council for review and adoption on March 17, 2022; and

WHEREAS, the after considering all public comments and evidence, the City Council determined that the proposed amendments comply with all applicable laws and rules;

AND WHEREAS, this completes the City’s required process for comprehensive update and periodic review in accordance with RCW 90.58.080 and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STEVENSON, STATE OF WASHINGTON DO ORDAIN AS FOLLOWS:

- Section 1** – Ordinance 698 shall be repealed in its entirety and SMC Chapter 18.08 – “Shoreline Management” shall be amended by deleting the text of all current sections and replacing them with the text shown in Exhibit ‘A’.
- Section 2** – Exhibit ‘B’ shall be adopted as the document referred to as the Stevenson Shoreline Master Program in Exhibit ‘A’ under SMC 18.08.020.
- Section 3** – This ordinance affects Title 18 of the Stevenson Municipal Code only insofar as set forth herein. All other provisions of Title 18 shall remain in full force and effect, and that where the provisions of this ordinance are the same as the provisions they replace, the provisions of this ordinance shall be interpreted as a continuation of those previous provisions and not as a new enactment.
- Section 4** – If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Passed by a vote of _____ at the City Council meeting of _____, 2022.

SIGNED:

ATTEST:

Scott Anderson
Mayor of Stevenson

Leana Kinley
Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich
City Attorney

Title 18 – Environmental Protection

SMC 18.08 Shoreline Management

SMC 18.08.010 Administration Authorized.

- A. The “Shoreline Administrator” or “Administrator” or that person’s designee, is hereby vested with:
 - 1. Overall responsibility for administering this chapter in compliance with the Shorelines Management Act of 1971 (SMA).
 - 2. Authority to issue Minor Project Authorizations in accordance with the policies and provisions of this chapter.
 - 3. Authority to issue Shoreline Substantial Development Permits for limited utility extensions or construction of bulkheads in accordance with WAC 173-27-120 and the policies and provisions of this chapter.
 - 4. Authority to issue written administrative interpretations of this chapter after consultation with the Department of Ecology.
 - 5. Authority to make recommendations to the Planning Commission on the review and issuance of shoreline permits.
- B. The City of Stevenson Planning Commission is hereby vested with:
 - 1. Authority to issue shoreline permits as required herein. “Shoreline permits” include Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances.

SMC 18.08.020 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 ~~Management Master~~ Program” or “SMP,” adopted [codifiers to enter date], as well as a map which shall be officially known as the “Stevenson Shoreline Environment Designation Map.” These documents shall be made available to the general public upon request.
- B. The Shoreline Environment Designation Map generally shows the shoreline areas of the city which are under the jurisdiction of the Act and the shoreline environments as they affect the various lands and waters of the city. The precise location of shoreline jurisdiction and shoreline environment boundaries shall be determined according to the appropriate provisions of the SMP.

SMC 18.08.050 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 ~~Management Master~~ Program.
- 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 pre-designated 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.~~
4. Any portion of the Ashes Lake shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP.

SMC 18.08.080 Shoreline Permits & Approvals—Required When.

- A. Any person wishing to undertake activities requiring a Minor Project Authorization or a shoreline permit (Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance) within shoreline jurisdiction shall apply to the Shoreline Administrator for the appropriate approval.
- B. In addition to the provisions contained herein, the authorization to undertake use or development in shoreline jurisdiction is subject to review according to the applicability, criteria, and process described in the SMP, especially SMP Chapter 2.

SMC 18.08.100 Permits—Application Procedure.

- A. Any person required to comply with the Shorelines Management Act of 1971 and this chapter shall obtain the proper application forms from the city planning department. The completed application shall then be submitted to the shoreline administrator.
- B. Upon receipt of an application, the shoreline administrator shall determine which category of proposal has been submitted:
 1. Category A applications involve requests for all shoreline permits, including a) Shoreline Substantial Development Permits, b) Shoreline Conditional Use Permits, c) Shoreline Variances, and d) revisions to any previously authorized Category A proposal.
 2. Category B applications involve requests for a) a Minor Project Authorization issued pursuant to WAC 173-27-050, b) limited utility extensions and bulkheads approved pursuant to WAC 173-27-120, c) revisions to any previously authorized Category B proposal, and d) extensions of shoreline substantial development permits and Minor Project Authorizations.
- C. After determining the application category, the administrator will then review the application for completeness according to this chapter and the SMP.

SMC 18.08.110 Permits—Notice of Application.

- A. Within 14 days after a determination of completeness under SMC 18.08.100, the Shoreline Administrator shall provide a notice of application for all Category A proposals as follows:
 1. Content. The content of the notice shall be identical to that set forth in WAC 173-27-110(2). In addition, the notice shall state the time and place of the open record public hearing to be held for the Category A proposal.
 2. On-Site Notice. No less than 2 notices shall be posted by the administrator in conspicuous places on or adjacent to the subject property.
 3. Mailing. The notice shall be mailed to a) the land owner, b) all property owners of record within a radius of 300 feet of the exterior boundaries of the subject property, c) all agencies with jurisdiction per chapter 43.21C RCW, and d) individuals, organizations, tribes, and agencies that request such notice in writing.

4. Newspaper. The notice shall be published at least once a week, on the same day of the week, for two consecutive weeks in a newspaper circulating and published within the city.
- B. Category B proposals reviewed under WAC 173-27-120 require the same notice of application as Category A proposals. All other Category B proposals do not require notice of application.

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. B.~~ Payment of an application fee does not guarantee that a permit will be issued.

SMC 18.08.140 Permits—Interested Parties—Comment Period.

- A. For any Category A proposal, any member of the public may provide written comments for 30 days after the last publication of the notice of application.
- B. For Category B proposals reviewed under WAC 173-27-120, any member of the public may provide written comments for 20 days after the last publication of the notice of application.
- C. During the public comment periods established in this section, any member of the public may also request to be notified of the action taken by the City.

SMC 18.08.180 Planning Commission Action—Category A Proposals.

- A. No authorization to undertake proposed Category A use or development shall be granted by the Planning Commission until at least one open record public hearing has been held and the proposed use and development is determined to be consistent with the policy and provisions of the SMA and the SMP.
- B. At the public hearing scheduled for consideration of a Category A proposal by the planning commission, the commission shall, after considering all relevant information available and evidence presented to it, either grant, conditionally grant, or deny the permit.
- C. In granting or revising a permit, the commission may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions.
- D. The decision of the planning commission shall be the final decision of the city on all applications for Category A proposals. The commission shall render a written decision including findings, conclusions and a final order, and transmit copies of its decision to the persons who are required to receive copies of the decision pursuant to Section 18.08.190.

SMC 18.08.185 Shoreline Administrator Action—Category B Proposals.

- ~~E. A.~~ No authorization to undertake proposed Category B use or development shall be granted by the Shoreline Administrator unless upon review the use or development is determined to be consistent with the policy and provisions of the SMA and the SMP.
- ~~F. B.~~ The administrator shall, after considering all relevant information available and evidence presented, either grant, conditionally grant, or deny the proposal.

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G.C. In granting or revising a permit, the administrator may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions.

H.D. The decision of the administrator shall be the final decision of the city on all applications for Category B proposals. The administrator shall render a written decision including findings, conclusions and a final order, and transmit copies of its decision to the persons who are required to receive copies of the decision pursuant to Section 18.08.190.

SMC 18.08.190 Notification and Filing of Action. Within 5 days of a final decision by the City, the City will mail the permit using return receipt requested mail as provided in this section. Final decision by the City shall mean the order or ruling, whether it be approval or denial, which is issued by the Planning Commission under SMC 18.08.180 or the shoreline administrator under SMC 18.08.185. When a shoreline substantial development permit and a shoreline conditional use permit or shoreline variance are required for a development, the submittal shall be mailed simultaneously.

- A. Recipients. All applications for Category A and Category B proposals shall be transmitted to:
 - 1. The applicant;
 - 2. Ecology;
 - 3. The Washington State Attorney General;
 - 4. Any party of record established as a result of SMC 18.08.140 and/or SMC 18.08.180.
- B. Content. A complete submittal shall consist of the following documents and information:
 - 1. A copy of the complete application;
 - 2. Findings and conclusions that establish the basis for the decision (e.g., identification of shoreline environment designation, applicable SMP policies and regulations, the consistency of the project with appropriate review criteria for the type of permit(s) or approval as established in the SMP, etc.);
 - 3. The final decision of the City;
 - 4. The permit data sheet required by WAC 173-27-190;
 - 5. Where applicable, the City shall also file the documents required by chapter 43.21C RCW, the State Environmental Policy Act, or an appropriate summary thereof;
 - 6. When the project has been modified in the course of the local review process, plans or text shall be provided that clearly indicate the final approved plan.
- C. Date of Filing. Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when Ecology determines that all of the documents listed above are received according to WAC 173-27-130(5). The actual date will be determined by Ecology as follows:
 - 1. "Date of filing" of the City's final decision on a substantial development permit is the date of actual receipt by Ecology of the City's final decision on the permit.
 - 2. "Date of filing" involving approval or denial of a shoreline variance or shoreline conditional use permit is the date of transmittal of Ecology's final decision on the shoreline variance or shoreline conditional use permit to the City and the applicant.
 - 3. "Date of filing" involving both a substantial development permit and a shoreline conditional use permit and/or shoreline variance is the date of transmittal of Ecology's

final decision on the shoreline variance or shoreline conditional use permit to the City and the applicant.

SMC 18.08.200 Appeal from Permit Decision. Any person aggrieved by the granting or denying of a substantial development permit, conditional use permit, variance, or by the rescinding of a permit pursuant to the provisions of this chapter may seek review from the Shorelines Hearing Board. Such an appeal must be filed as a request for the same within 21 days of receipt of the final order and by concurrently filing copies of such request with Ecology and the Attorney General's office. The State Hearings Board regulations of RCW 90.58.180 and Chapter 461-08 WAC apply. A copy of such appeal notice shall also be filed promptly with the City of Stevenson. Upon issuance of a final order after an appeal, the City shall provide said order to Ecology according to WAC 173-27-130(10).

SMC 18.08.205 Appeal from Administrator Decision. Any person aggrieved by the Administrator's granting or denying of a Category B proposal may seek review from the Planning Commission. Such an appeal must be filed as a request for the same within 21 days of receipt of the administrator's decision. Upon issuance of a final order after an appeal, the City shall provide notice of said order pursuant to SMC 18.08.190.

SMC 18.08.210 Permit Issuance and Effect.

- A. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6).
- B. Each shoreline permit shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of filing with Ecology, per WAC 173-27-190 or as subsequently amended, or until all review proceedings initiated within 21 days from the date of such filing have been terminated.
- C. Issuance of a permit does not obviate the applicant from meeting requirements of other federal, state and county permits, procedures and regulations.

SMC 18.08.220 Permit Duration—Extensions.

- A. Construction activities shall be commenced, or where no construction activities are involved, the use or activity shall be commenced within 2 years of the effective date of an authorization or shoreline permit issued under this chapter. However, the city may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to Ecology and parties of record on the original authorization or permit.
- B. Authorization to conduct development activities shall terminate 5 years after the effective date of an authorization or shoreline permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notices of the proposed extension is given to Ecology and parties of record on the original authorization or permit.
- C. Upon a finding of good cause, based on the requirements and circumstances of the specific project proposed and consistent with the policies and provisions of the SMP and WAC 173-27, the City may adopt different time limits from those set forth above as a part of action on a shoreline permit.

Exhibit 'A' – March 14, 2022

- D. The time periods in this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

SMC 18.08.235 Variance and Conditional Use Permits—Ecology Review.

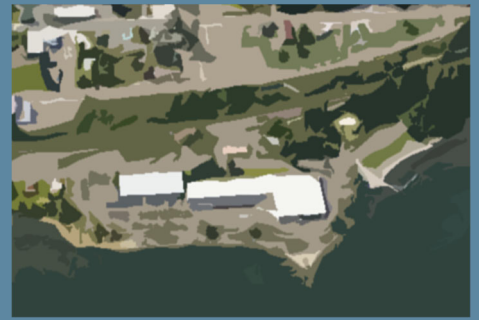
- A. After the City approval of a shoreline conditional use or shoreline variance permit, the City shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial.
- B. Upon receipt of Ecology's final decision under WAC 173-27-200, the City shall provide notice of Ecology's decision according to SMC 18.08.190.

SMC 18.08.250 Enforcement—Penalties. All provisions of this chapter shall be enforced by the Shoreline Administrator and/or a designated representative. The enforcement procedures and penalties contained in WAC 173-27 and RCW Chapter 90.58 are hereby incorporated by reference.

Final Draft

STEVENSON

SHORELINE MASTER PROGRAM



City of Stevenson Shoreline Master Program

March 2022

Ecology Grant #s G1200-044 &
SEASMP-StevePW-02230



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Acknowledgements

City Council

Scott Anderson, Mayor
Dave Cox
Paul Hendricks
Michael D Johnson
Kristy McCaskell
Annie McHale

Planning Commission

Mike Beck
Jeff Breckel, Chair
David Ray
Auguste Zettler

Local Advisory Committee

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Eran and Gloria Howell
Mary Repar
Tim Todd
Bernard Versari
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Ken Woodrich, City Attorney

State Staff Support

This ~~Comprehensive~~ Shoreline Master Program ~~Update~~ ~~amendment~~ is made possible by
Washington State
Department of Ecology Grant G1200-044 and SEASMP-StevPW-02230, with the assistance of
Michelle McConnell, Regional Shoreline Planner



City of Stevenson
Shoreline Master Program

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Shoreline Master Program

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Chapter 1 – Introduction & Goals

1.1 Title

This document shall be known and may be cited as the Stevenson ~~2018~~-Shoreline Master Program (SMP).

1.2 Adoption Authority

This SMP is adopted under the authority granted by the Shoreline Management Act (SMA) of 1971 embodied in the Revised Code of Washington (RCW) Chapter 90.58 and in compliance with the Shoreline Master Program guidelines contained in Washington Administrative Code (WAC) 173-26 as may be hereafter amended.

1.3 Shoreline Jurisdiction

1.3.1 Shoreline Management Act Jurisdiction Definition

As defined by the SMA, "shores of the state" include certain waterbodies plus their associated "shorelands." At a minimum, the waterbodies designated as "shores" in Stevenson are streams and rivers whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes of 20 acres or larger. Streams and rivers with mean annual flow of 1,000 cfs or greater (west of the Cascade Range) are designated as "shores of statewide significance." Collectively, shoreline jurisdiction includes these waters, the lands underlying them, all shorelands extending landward a minimum of 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams and lakes which are subject to the provisions of this chapter. Such associated wetlands may extend beyond the minimum distance. For any streams and rivers partly within shoreline jurisdiction, jurisdiction starts from an upstream point where the mean annual flow is 20 cfs and continues downstream from that point.

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 3 waterbodies which are regulated by this SMP. The Columbia River is a shoreline of statewide significance. Rock Cove and Rock Creek are also included as shores of the state in this SMP as depicted on the Shoreline Environment Designation maps in Appendix A. In addition, shoreline jurisdiction also includes the associated wetlands of these waterbodies, however, the City's shoreline jurisdiction does not include optional areas of 100-year floodplain or buffers for critical areas.

This SMP also predesignates areas which are located within the City's Urban Area boundary but currently outside of city limits. Such areas will be considered within Stevenson's shoreline jurisdiction upon annexation. Predesignated areas include extended reaches along the Columbia River, and Rock

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Creek, as well as a small reach along Ashes Lake. This SMP does not apply within predesignated areas until the areas are annexed to the City, as consistent with WAC 173-26-150 and -160.

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 for specific project proposals shall be based upon the actual location of the OHWM, floodway, and the presence and delineated boundaries of associated wetlands as determined after 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.

1.4 Vision, Goals, & Purpose of the Shoreline Master Program

1.4.1 Overall Vision & Goals

As taken from the 2013 Stevenson Comprehensive Plan, Stevenson's citizens' hope for the future is to look at their town and honestly say:

"Stevenson is a friendly, welcoming community that values excellent schools and a small town atmosphere. The natural beauty is enjoyed by residents and visitors through a network of recreational opportunities. The strength of Stevenson's economy is built upon high quality infrastructure and a vibrant downtown that provides for residents daily needs. Stevenson takes advantage of our unique location on the Columbia River by balancing jobs, commerce, housing and recreation along the waterfront."

This vision is founded on the citizens 4 cornerstone principles: High Quality of Life, Natural/Scenic Beauty, Healthy Economy, and Active Waterfront. This SMP includes 7 goals that tie together each cornerstone principle and advance shoreline jurisdictional areas toward the City's overall vision.

1. **Economic Development** – The shorelines of Stevenson are used by economically productive businesses that are particularly dependent on their shoreline location.
2. **Public Access & Recreation** – The shorelands and shoreline waterbodies of Stevenson support a network of public access, recreation and navigational opportunities.
3. **Natural Resources & Ecological Functions** – Development within shoreline jurisdiction does not result in a net loss of the ecological functions performed by the City's shoreline areas.
4. **Historic & Cultural Resources** – Waterfront buildings, sites, and resources having historic, cultural and educational value are protected for future generations.
5. **Public Facilities & Utilities** – Utilities, streets, and public facilities provide a high quality backbone of services that support other shoreline goals.
6. **Property Rights & Single-Family Dwellings** – Single-family homes are located in appropriate places along Stevenson's shorelines and private property rights are protected consistent with the public interest.
7. **Coordinated Management** – Development and use of Stevenson's shorelines advance local, state, and national interests.

1.4.2 Purpose of this SMP

The purpose of the SMP is to:

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1. Guide the balanced development of industrial, commercial, residential, recreational and natural uses of Stevenson's shorelines in accordance with local goals in compliance with the requirements of the SMA.
2. Support development of improved shoreline access in the Stevenson area.
3. Reduce impediments to attracting waterfront investors.
4. Ensure that use and development under the SMP will result in no net loss of ecological functions.
5. Ensure optimum implementation of the SMA for projects along the Columbia River, a shoreline of statewide significance.
6. Protect, enhance, and maintain natural, scenic, historic, architectural, and recreational qualities along the Columbia River.
7. Provide prompt, predictable, open, and uncomplicated processes for the fair and equitable review of shoreline proposals in Stevenson.

1.5 Shoreline Master Program Applicability to Development

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.~~

This SMP shall apply to every person (i.e., individual, ~~firm~~, partnership, corporation, association, organization, ~~corporation cooperative, public or municipal corporation, or agency of the local or state or local~~ governmental unit however designated) ~~agency, public or municipal corporation, or other non-federal entity~~ that uses, 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. ~~SP~~Please see SMP Chapter 2 below for more information on when a permit is required. The SMP applies to all review activities (i.e., shoreline uses, development, and modifications) proposed within shoreline jurisdiction. Some review activities under this program do not require a shoreline substantial development permit. However, such activities must continue to demonstrate compliance with the policies and regulations contained in this SMP in accordance with WAC 173-27-040(1)(b) and be authorized by a minor project authorization.

1.6 Relationship to Other Plans and Regulations

In addition to obtaining authority to undertake shoreline use, development, or modification in accordance with the SMP, applicants must also comply with all applicable federal, state, or local statutes or regulations. These may include, but are not limited to, a Section 404 Dredge & Fill Permit by the U.S. Army Corps of Engineers (USACE), Section 401 Water Quality Certification by the Washington Department of Ecology (Ecology), Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW), and State Environmental Policy Act (SEPA) approval (RCW Chapter 43.21 and WAC Chapter 197-11). The Stevenson Municipal Code also applies, including Title 15 "Buildings and Construction", Title 17 "Zoning", and Title 18 "Environmental Protection", and all other applicable code provisions. Applicants must also comply with the Stevenson Comprehensive Plan and any applicable subarea plan.

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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.

The City's Shoreline Administrator or designee should inform applicants for shoreline development of all applicable regulations to the best of the Shoreline Administrator's knowledge, provided that the final responsibility for complying with all statutes and regulations shall rest with the applicant.

1.7 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the SMA is exempted from the rule of strict construction; the SMA and this SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and this SMP were enacted and adopted.

1.8 Organization of this Shoreline Master Program

This SMP is divided into 7 chapters:

Chapter 1 – Introduction: Provides general background information on the purpose of the SMP and explains shoreline jurisdiction, the SMP's applicability to development and actions within the shoreline, and the organization of the document.

Chapter 2 – Administrative Provisions: Provides a system by which Minor Project Authorizations and Shoreline Permits, (i.e., substantial development, conditional use, and variance) are considered.

Chapter 3 – Shoreline Environment Designation Provisions: Defines the environmental designations of all the shorelines of the state in the City's jurisdiction. Designation criteria and management policies and regulations specific to the 5 designated shoreline environments (Aquatic, Natural, Shoreline Residential, Urban Conservancy, and Active Waterfront) are detailed in this chapter.

Chapter 4 – General Provisions for All Uses: Articulates the goals and policies of the SMP that establish the foundation for all other portions of the SMP. In addition, this chapter contains general provisions which are policies and regulations that apply to all shoreline use and development regardless of its location or the Shoreline Environment Designation in which it is located. Topics addressed in this chapter include archaeological and historic resources, critical areas, flood hazards, public access, water quality, and shorelines of statewide significance.

Chapter 5 – Specific Shoreline Use Provisions: Details the policies and regulations applicable to specific shoreline use categories (e.g., aquaculture, commercial, industrial, boating facilities and overwater structures, residential, recreation, transportation, utilities), based on the Shoreline Environment Designation in which the use is proposed to locate.

Chapter 6 – Shoreline Modification Provisions: Details the policies and regulations applicable to activities that modify the physical configuration or qualities of the land- water interface, including dredging, excavation, fill, restoration, and stabilization.

Chapter 7 – Definitions: Provides definitions for words and terms used in the SMP.

1.9 Periodic Review & Amendments to the Shoreline Master Program

1. Any provisions of this SMP, including the map adopted in Appendix A, may be amended as provided for in RCW 90.58.120 and .200 and WAC 173-26.

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2. This SMP shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information, or improved data, and changes in state statutes and regulations. Periodic review of this SMP is subject to the process, timeline and frequency adopted in RCW 90.58.080 and WAC 173-26-090.
3. As part of the required SMP periodic review, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.
4. The SMP periodic review and amendment process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.
5. Amendments or revisions to the SMP, as provided by law, do not become effective until approved by Ecology.

1.10 Effective Date

This SMP and all amendments thereto shall take effect 14 days from the date of Ecology's written notice of final action (RCW 90.58.090(7)), and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date. Appendix B is provided as a location to curate the dates and text of Ecology's written notices of final action.



Chapter 2 – Administrative Provisions

2.1 Purpose & Applicability

Unless specifically exempted by statute, all uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the SMA and this SMP whether or not a Shoreline Permit (i.e., Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance) is required. This Chapter 1) establishes an administrative system assigning responsibilities for implementation of the SMP and shoreline permit review; 2) prescribes an orderly process by which to review proposals and permit applications; and 3) ensures that all persons affected by this SMP are treated in a fair and equitable manner. Where inconsistencies or conflicts with the Stevenson Municipal Code (SMC) exist, this SMP shall prevail. SMP Figure 2.1 – Shoreline Authorizations provides a summary highlighting key information about shoreline permits and authorizations.

FIGURE 2.1 – SHORELINE AUTHORIZATIONS

Authorizing Entity	Shoreline Administrator		Planning Commission	Planning Commission & Department of Ecology	
Authorization Type General explanation of when each authorization applies to proposals.	MPA For authorizations of activities listed in WAC 173-27-040. Typically these projects <u>do not</u> exceed the state-established fair market value threshold, involve normal repair of existing uses, are emergencies, or involve other activities in WAC 173-27-040.	SSDP w/ Special Procedures For authorizations of limited utility extensions and bulkheads subject to the procedures in WAC 173-27-120.	SSDP For typical permits involving shoreline uses, developments, and/or modifications which exceed the state-established fair market value threshold or are otherwise subject to receipt of a SSDP.	SCUP For special permits allowing listed and/or unlisted shoreline uses, developments or modifications..	SVAR For special permits allowing shoreline uses, developments, and/or modifications inconsistent with identified standards related to height, setback, bulk, etc.
SMP Reference	SMP 2.5, SMC 18.08.00, SMC 18.08.185	SMP 2.6, SMC 18.08.100, SMC 18.08.185	SMP 2.6, SMC 18.08.180	SMP 2.7, SMC 18.08.180, SMC 18.08.235	SMP 2.8, SMC 18.08.180, SMC 18.08.235
Timeframe	Varies depending on state specifications. 10-60 days		80 Days	110 Days	
Appeals	Planning Commission		State Shorelines Management Hearings Board	State Shorelines Management Hearings Board	

At-a-Glance Permits and Authorizations Allowed under this SMP

Where there is inconsistency between this figure and the text of this SMP or SMC 18.08, the text shall prevail. The decision timeframes begin upon receipt of a complete application and provide an ideal range. Some variation should be expected.

2.2 Shoreline Administrator

As provided herein, the Shoreline Administrator is given the authority to interpret and apply, and the responsibility to enforce, this SMP and SMC 18.08 in compliance with the SMA.

2.3 Pre-Application Procedures

2.3.1 Pre-Application Conference – Required

A pre-application conference for all proposed review activities within shoreline jurisdiction is required. The Shoreline Administrator may waive this requirement if the applicant requests such in writing and demonstrates that the usefulness of a pre-application meeting is minimal.

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2.3.2 Pre-Application Conference – Purpose & Outcomes

The purpose of the pre-application conference is to review the applicant’s proposal and for the Shoreline Administrator to explain the type of permitting procedures necessary to ensure compliance with this SMP. A written summary of this conference may be prepared to assist the remainder of the review process. This summary should include a description of the proposal, contact information for the applicant and any consultants assisting the applicant, a listing of the permits required, and any special submittal requirements necessary ~~for~~ to ensure compliance with this SMP.

2.3.3 Determination of Ordinary High Water Mark

For any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely with assistance from Ecology and City staff, or a qualified professional, and the biological and hydrological basis for the location shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.

2.4 Permit Process

2.4.1 Permission Required

1. Any person wishing to undertake 1) activities requiring a Minor Project Authorization, or 2) activities requiring a Shoreline Permit shall apply to the Shoreline Administrator for appropriate permissions.
2. Activities ~~exempt~~ excepted from obtaining permission under this SMP include projects:
 - a. Covered under an Environmental Excellence Program Agreement entered into under RCW 43.21K. (RCW 90.58.045)
 - b. Involving a certification from the governor pursuant to RCW 80.50. (RCW 90.58.140(9))
 - c. Involving rights established by treaty to which the United States is a party. (RCW 90.58.350)
 - d. Conducting remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to RCW 70.105D. (RCW 90.58.355(1))
 - e. Installing site improvements for stormwater treatment in an existing boatyard facility to meet NPDES permit requirements. (RCW 90.58.355(2))
 - f. Initiated by WSDOT and meeting the conditions of RCW 90.58.356. (RCW 90.58.355(3))
3. All non-exempt activities proposed within the jurisdiction of the SMA, and this SMP shall first obtain a Minor Project Authorization (MPA) or a Shoreline Permit. No such activity shall be undertaken unless permission has been obtained, the appeal period has been completed, any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.

2.4.2 Application Contents

1. Proposals required to obtain a Minor Project Authorization shall submit an application on forms prepared by the Administrator together with such information necessary to determine consistency with SMP Section 2.5, including:
 - a. A narrative stating the applicable provision of WAC 173-27-040 and describing why the project proposed by the applicant qualifies for consideration as a MPA,
 - b. A statement of compliance with applicable sections of this SMP,

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- c. Such additional information as the Shoreline Administrator deems necessary in order to determine if the proposal will comply with the requirements of this SMP (e.g., project site plan graphics, building elevation drawings, special studies showing how the project meets applicable sections of this SMP, etc.).
2. Proposals required to obtain a Shoreline Permit shall submit a Joint Aquatic Resource Permit Application (JARPA) to the City along with the following:
 - a. Complete site plan, including parcel boundary, OHWM, a general indication of the character of vegetation found on the site, and dimensions and locations of all existing and proposed structures and improvements.
 - b. A narrative describing the proposal in detail including how the proposal is consistent with this SMP.
 - c. Identification of all critical areas on the subject property.
 - d. All appropriate project and construction details (e.g., building elevations, construction timelines, grading plans, (re)vegetation plans, etc.).
 - e. Technical assessments prepared by a qualified professional. The City may require the applicant to submit a technical assessment addressing how the proposal incorporates the most current, accurate, and complete scientific or technical information available. The technical assessment shall be adequate for the Shoreline Administrator to evaluate the development proposal and all probable adverse impacts to critical areas regulated by this SMP. If adequate factual information exists to facilitate such evaluation, the Shoreline Administrator may determine that a technical assessment is not necessary. The Shoreline Administrator will advise the applicant of existing technical information that may be pertinent to their property. Technical assessments shall be attached to the development permit application package.
 - f. Fish and wildlife management plan, if applicable.
 - g. Proposed mitigation for unavoidable impacts, if necessary.
 - h. If the proposal will require a shoreline variance permit, the applicant's plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses. To enhance the City's review of the variance proposals, a 3D, SketchUp-compatible model of the proposal is required when proposed at or adjacent to any development for which the city can provide a 3D model.
3. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the Shoreline Administrator shall notify the applicant that additional studies as specified herein shall be provided.
- 3.4. The City shall use an existing, or establish a new, mechanism for tracking all project review actions in shoreline areas, and a process to evaluate the cumulative effects of all authorized development on shoreline conditions.

2.4.3 Application Review & Processing

1. When an application is deemed complete, the Administrator may request third-party peer review of any report, assessment, delineation, or mitigation plan by a qualified professional and/or state or federal resource management agency. Such request shall be accompanied by findings

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supporting the Administrator's decision, which is appealable to the City Council. The City may incorporate recommendations from such third-party reports in findings approving or denying an application. In general, the cost of any third-party review will be the responsibility of the applicant; however, where a project would provide a beneficial public amenity or service, on a case-by-case basis by City Council action, costs may be shared by the City.

2. The Shoreline Administrator shall review the information submitted by the applicant and, after an optional site visit shall determine the category of project proposed according to SMC 18.08.100.
3. Applications shall be processed according to the timelines and notice procedures listed in SMC 18.08.100 through SMC 18.08.190, the review criteria of this ~~chapter~~Chapter, and WAC 173-27.

2.5 Minor Project Authorizations (MPA)

2.5.1 Minor Project Authorizations – Interpretation & Guidelines

The SMA and the SMP Guidelines contemplate a cooperative program between the City and the state. In this cooperation, the state requires local involvement during the review of all review activities; however, the state is only involved during the review of Shoreline Permits (i.e., Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances). Where the SMP Guidelines designate the former as "exemptions" from the ~~state's involvement~~SSDP permit process, this SMP designates them as Minor Project Authorizations to reflect that the project is not exempt from compliance with this SMP. The following guidelines shall assist in determining whether or not a proposed review activity is exempt from ~~state involvement~~the SSDP permit process during its review and therefore may be approved through a Minor Project Authorization:

1. Exemptions—as required by State law—shall be construed narrowly. Only those developments ~~that~~meeting 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.
2. If any part of a proposed development is not eligible for exemption from the state process, then a SSDP is required for the entire proposed development project, per WAC 173-27-040(1)(d).
3. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit (SCUP) even if the development or use is exempt from a SSDP.
4. When a development or use is proposed that does not comply with the bulk, dimension and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance (SVAR).
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 ~~achieve~~comply with no net loss of ecological functions, which may require mitigation even though the review activity is exempt from the state process.
6. As determined by 2.5.1(1) – (5) above, only the exemptions as fully described and listed in WAC 173-27-040 shall be authorized. Some common examples include:
 - Low Cost or Fair Market Value
 - Normal Maintenance or Repair
 - Single-family Home; Residential Dock
 - Water Restoration; Habitat & Fish Passage Improvement

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- ADA Retrofits.
- ~~6. The following list outlines common state-process exemptions that shall not be considered substantial developments for the purpose of this SMP. This list of exemptions is further articulated and supplemented by provisions of WAC 173-27-040, as amended.~~
- ~~a. Any development of which the total cost or fair market value, whichever is higher, is below the threshold established by the SMA and any amendments to the SMA, if such development does not materially interfere with the normal public use of the water or shoreline. The substantial development dollar threshold applicable on the adoption date of this SMP is \$7,047. Under current law, the dollar threshold will be recalculated by the Office of Financial Management (OFM) every 5 years beginning on July 1st, 2007. OFM will post updated dollar thresholds in the Washington State Register. See RCW 90.58.030(3)(e). The State Legislature may change the dollar threshold at any time.~~
 - ~~b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements, when all of the conditions identified in WAC 173-27-040(2)(b) apply.~~
 - ~~c. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMA or this SMP. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to the SMA, the SMP Guidelines or this SMP, obtained. All emergency construction shall be consistent with the policies of the SMA and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.~~
 - ~~d. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family.~~
 - ~~e. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage structure for watercraft and does not include private leisure decks, storage facilities or other appurtenances. This exemption applies if the fair market value of the dock does not exceed the threshold established by the SMA, as amended.~~
 - ~~f. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization when all of the conditions identified in WAC 173-27-040(2)(m) apply.~~
 - ~~g. The process of removing or controlling aquatic noxious weeds when all of the conditions identified in RCW 17.26.020 apply.~~
 - ~~h. Watershed restoration projects when all of the conditions identified in WAC 173-27-040(2)(o) apply.~~

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- ~~i. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the conditions identified in WAC 173-27-040(2)(p) apply.~~
- ~~j. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 USC Section 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.~~

2.5.2 Minor Project Authorization Process

1. The burden of proof that a development or use is exempt from the need to obtain a SSDP is on the applicant.
2. Proposals for MPAs are subject to the City's procedures articulated in SMC 18.08 – Shoreline Management and the State's permit procedures articulated in WAC 173-27 – Shoreline Management Permit and Enforcement Procedures.
3. In authorizing a MPA, the City may ~~be~~ attach conditions to assure the project is consistent with all applicable standards of the SMA and this SMP.
4. All activities requiring a MPA, except for emergency development pursuant to WAC 173-27-040(2)(d), require that a Letter of Exemption be issued by the Shoreline Administrator. Letters of Exemption will:
 - a. Be addressed to the applicant and Ecology.
 - b. Indicate the specific provision from WAC 173-27-040 that is being applied to the proposal.
 - c. Provide a summary of the City's analysis of the consistency of the project with this SMP and the SMA.
5. The same measures used to calculate time periods for Shoreline Permits as set forth in WAC 173-27-090(4) shall be used for MPAs.
6. A denial of a MPA shall be in writing and shall identify the reason(s) for the denial.

2.6 Shoreline Substantial Development Permits

2.6.1 Shoreline Substantial Development Permits – Purpose – Applicability – Criteria

The purpose of a Shoreline Substantial Development Permit (SSDP) is to assure consistency with the provisions of the SMA and this SMP. In authorizing a SSDP, the City may attach conditions to the approval as necessary to assure the project is consistent with all applicable standards of the SMA and this SMP. The following criteria shall assist in reviewing proposed SSDPs:

1. SSDPs may not be used to authorize any use that is listed as conditional or prohibited in a shoreline designation.
2. SSDPs may not be used to authorize any development and/or use which does not conform to the specific bulk, dimensional, and performance standards set forth in this SMP.
3. SSDPs may be used to authorize uses which are listed or set forth in this SMP as permitted uses.
4. To obtain a SSDP, the applicant must demonstrate compliance with all of the following review criteria as listed in WAC 173.27.150:
 - a. That the proposal is consistent with the SMA;
 - b. That the proposal is consistent with WAC 173-27 – Shoreline Management Permit and Enforcement Procedures; and
 - c. That the proposal is consistent with this SMP and SMC 18.08 – Shoreline Management.

2.6.2 Substantial Development Permits – Permit Process

Proposals for SSDPs are subject to the City's permit procedures articulated in SMC 18.08 – Shoreline Management and the State's permit procedures articulated in WAC 173-27 – Shoreline Management Permit and Enforcement Procedures.

2.7 Shoreline Conditional Use Permits

2.7.1 Conditional Use Permits – Purpose – Applicability – Criteria

The purpose of a Shoreline Conditional Use Permit (SCUP) is to provide a system within the SMP which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a SCUP, special conditions may be attached to the permit by the City or by Ecology to prevent nuisances, hazards, and undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this SMP. The following criteria shall assist in reviewing proposed SCUPs:

1. SCUPs may not be used to authorize a use that is specifically prohibited in a shoreline designation.
2. SCUPs may be used to authorize uses which are listed or set forth in this SMP as conditional uses. SCUPs may be used to authorize uses which are unlisted or not set forth in this SMP provided the applicant can demonstrate consistency with the requirements of this section, SMP Section 5.4.13, and WAC 173-27-160.
3. In the granting of all SCUPs, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if SCUPs were granted to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
4. To obtain a SCUP, the applicant must demonstrate compliance with all of the following review criteria as listed in WAC 173-27-160:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and this SMP;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. That the public interest suffers no substantial detrimental effect.

2.7.2 Conditional Use Permits – Permit Process

Proposals for SCUPs are subject to the City's permit procedures articulated in SMC 18.08 – Shoreline Management and the State's permit procedures articulated in WAC 173-27 – Shoreline Management Permit and Enforcement Procedures.

2.8 Shoreline Variances

2.8.1 Variances – Purpose – Applicability – Criteria

The purpose of a Shoreline Variance (SVAR) is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardship on the applicant or thwart the policies set forth in the SMA. The following criteria shall assist in reviewing proposed SVARs:

1. SVARs to the use regulations of this SMP are prohibited.
2. SVARs should be granted in circumstances where denial of the permit would result in a thwarting of the policies set forth in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no detrimental effect.
3. In the granting of all SVARs, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
4. To obtain a SVAR for development and/or uses landward of the OHWM or wetland, the applicant must demonstrate compliance with the following review criteria as listed in WAC 173-27-170:
 - a. That the strict application of the bulk, dimensional, or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in (a) above is specifically related to the property, and is the result of unique conditions (e.g., irregular lot shape, size, natural features, etc.) and the application of this SMP and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
5. To obtain a SVAR for development and/or uses waterward of the OHWM or within any wetland, the applicant must demonstrate compliance with the following review criteria as listed in WAC 173-27-170:
 - a. That the strict application of the bulk, dimensional, or performance standards set forth in this SMP precludes all reasonable use of the property;
 - b. That the proposal is consistent with the criteria established in 4(b) through (f) above; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.

2.8.2 Variances – Permit Process

Proposals for SVARs are subject to the City's permit procedures articulated in SMC 18.08 – Shoreline Management and the State's permit procedures articulated in WAC 173-27 – Shoreline Management Permit and Enforcement Procedures.

2.9 Nonconforming Use & Development

2.9.1 Nonconforming Use & Development – Purpose – Applicability – Criteria

The purpose of nonconforming use and development provisions is to recognize uses and development that have previously been established within shoreline jurisdiction. Where those uses & development were lawfully established according to the standards in place prior to the effective date of this SMP, these provisions are intended to allow the use or development to continue— or be “grandfathered”— until a later date when conformity to this SMP can be achieved. The following policies shall assist in reviewing proposals involving nonconforming use and/or development:

1. Nonconforming Use is defined herein.
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 (Said provisions include all amendments adopted through February 27th, 2017, the effective date of Ordinance 2017-1103.), with the following exceptions:
 - a. A building or structure conforming as to use but nonconforming as to the shoreline setback, critical area buffer, and/or height provisions of the environment designation in which said building or structure is located may be maintained, repaired, or altered by expansion or enlargement, provided, that the alteration meets all applicable provisions of this SMP and does not further exceed or violate the appropriate shoreline setback, critical area buffer, and height provisions. (For example, a building or structure encroaching in a shoreline setback area shall not further encroach into the shoreline setback area as a result of the alteration.)
 - b. For the purposes of this SMP, any strengthening or restoring to a safe condition permitted under SMC 17.44.090(B) shall not further exceed or violate the appropriate shoreline bulk or dimensional standards of this SMP.
 - c. Proposed uses and structures that are appurtenant or accessory to nonconforming dwelling units must conform to all applicable requirements of this SMP.
 - d. A structure for which a shoreline variance (SVAR) has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
 - e. A structure that is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a SCUP. A SCUP may be approved only upon a finding that:
 - i. No reasonable alternative conforming use is practical; and
 - ii. The proposed use will be at least as consistent with the policies and provisions of the SMA and this SMP and as compatible with the uses in the area as the preexisting use.
 - f. A nonconforming structure which is moved any distance must be brought into conformance with this SMP and the SMA unless a SVAR is approved.

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- g. For the purposes of this SMP, SMC 17.44.100 applies; provided, that application is made for the permits necessary to restore the structure within one year of the date the damage occurred, all permits are obtained, and that the restoration is completed within 2 years of permit issuance.

2.10 Shoreline Permit Revisions

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this SMP and/or the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision and may be authorized through a Minor Project Authorization. When a revision of a Shoreline Permit is sought, the applicant shall submit detailed plans and text describing the proposed changes and must demonstrate compliance with the following guidelines and standards as articulated in WAC 173-27-100:

1. If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this SMP and the SMA, the City may approve a revision.
2. "Within the scope and intent of the original permit" means all of the following:
 - a. No additional over water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or 10% from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of 10% from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original permit or part thereof;
 - d. Additional revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision.
3. Revisions to permits that have already expired (RCW 90.58.143) may be allowed only if the changes:
 - a. Are consistent with this section;
 - b. Would not otherwise require a Shoreline Permit per the SMA, WAC 173-27-100, or this SMP. If the proposed change constitutes substantial development then a new permit is required; and
 - c. The revision does not extend the time requirements of the original permit or authorize substantial development beyond the time limits of the original permit.
4. If the revision, or the sum of the revision and any previously approved revisions, cannot satisfy all the provisions itemized in subsection 2 of this section, the applicant shall be required to apply for a new Shoreline Permit.
5. Revision approval, including revised site plans and text necessary to clearly indicate the authorized changes and the final consistency ruling, shall be subject to the notice and filing

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procedures of SMC 18.08.190; provided, that the timelines stated in WAC 173-27-100 are to be followed in the event of any discrepancy.

6. The revised permit is effective immediately upon final decision by the City or, when appropriate, upon final action by Ecology.
7. Appeals to permit revisions shall be in accordance with SMC 18.08.200 and shall be based only upon contentions of noncompliance with the provisions of subsection 2 of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.



Chapter 3 – Shoreline Environment Designation Provisions

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 (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 [including descriptions of parallel environments, waterbody-specific interpretations, a parcel guide, and criteria to clarify boundary interpretations.](#)

3.2 Environment Designations

3.2.1 Aquatic Environment

1. Purpose: The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the Ordinary High-Water Mark (OHWM).
2. Location Criteria: The Aquatic SED may only apply to lands waterward of the OHWM and wetlands.
3. Management Policies:
 - a. Allow new overwater structures only for water-dependent uses, public access, or ecological restoration.
 - b. Limit the size of new overwater structures to the minimum necessary to support the structure's intended use.
 - c. Encourage multiple use of overwater facilities to reduce the impacts of shoreline development and increase effective use of water resources.
 - d. Locate and design all developments and uses on navigable waters or their beds to i) minimize interference with surface navigation, ii) consider impacts to public views, iii) allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
 - e. Limit uses that adversely impact the ecological functions of critical freshwater habitats, except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
 - f. Design and manage shoreline uses and modifications to prevent degradation of water quality and alteration of natural hydrographic conditions.
 - g. Reserve shoreline space for preferred uses. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical habitats, aesthetics, public access and views.

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3.2.2 Natural Environment

1. Purpose: The purpose of the Natural Environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of this designation, the City should include planning for restoration of degraded shorelines within this environment.
2. Location Criteria:
 - a. The Natural SED may apply to shorelands that:
 - i. Are ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - ii. Is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
 - iii. Is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
 - b. The Natural SED may not apply to shorelands with significant existing agricultural lands, except where the existing agricultural activities involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agricultural activities is unlikely to expand in a manner inconsistent with the Natural SED.
3. Management Policies:
 - a. Prohibit any use that would substantially degrade the ecological functions or natural character of the shoreline area.
 - b. Prohibit the following new uses:
 - i. Commercial uses.
 - ii. Industrial Uses.
 - iii. Non-water-oriented recreation.
 - iv. Roads, utility corridors, and parking areas that can be located outside of the Natural SED.
 - c. Prohibit new development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. This includes subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.
 - d. Allow single-family residential development as a conditional use when the density and intensity of such use is limited as necessary to protect ecological functions and consistent with the purpose of this SED.
 - e. Allow commercial forestry as a conditional use provided it meets the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this SED.

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- f. Allow agricultural uses of a very low intensity nature consistent with this SED when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of this SED.
- g. Allow scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses provided that no significant ecological impact on the area will result.

3.2.3 Shoreline Residential Environment

1. Purpose: The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures that are consistent with ~~this~~ WAC 173-26. An additional purpose is to provide appropriate public access and recreational uses.
2. Location Criteria: The Shoreline Residential SED may apply to shorelands that have predominantly single-family or multi-family residential development or are planned and platted for residential development.
3. Management Policies:
 - a. Set standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
 - b. Require multi-family and multi-lot residential and recreational developments to provide public access and joint use for community recreational facilities.
 - c. Ensure access, utilities, and public services are available to serve existing needs and/or planned future development.
 - d. Limit commercial development to water-oriented uses.

3.2.4 Urban Conservancy Environment

1. Purpose: The purpose of the Urban Conservancy Environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.
2. Location Criteria: The Urban Conservancy SED may apply to shorelands that 1) are suitable for water-related or water-enjoyment uses; 2) are open space, flood plain or other sensitive areas that should not be more intensively developed; 3) have potential for ecological restoration; 4) retain important ecological functions, even though partially developed, or 5) have the potential for development that is compatible with ecological restoration.
3. Management Policies:
 - a. Primarily allow uses that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands either directly or over the long term. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and setting.
 - b. Ensure that new development does not result in a net loss of ecological functions or ~~future~~ ~~further~~ degrade other shoreline values through established standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy SED.

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- c. Implement public access and public recreation objectives whenever feasible and whenever significant ecological impacts can be mitigated.
- d. Give priority to water-oriented uses over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

3.2.5 Active Waterfront Environment

1. Purpose: The purpose of the Active Waterfront Environment is to recognize the existing pattern of mixed-use development and to accommodate new water-oriented commercial, transportation, recreation, and industrial uses while protecting existing ecological functions of open space, floodplain, and other sensitive lands and restoring ecological functions in areas that have been previously degraded.
2. Location Criteria: The Active Waterfront SED may apply to shorelands that 1) currently support or 2) are appropriate and planned for water-oriented commercial, transportation, recreation, and industrial development that is compatible with protecting or restoring of the ecological functions of the area.
3. Management Policies:
 - a. Prefer uses that preserve the natural character of the area or promote preservation of open spaces and sensitive lands, either directly or over the long term. Allow uses that result in restoration of ecological functions if the use is otherwise compatible with the purpose of the environment and the setting.
 - b. Give priority to water-oriented uses, with first priority to water-dependent, then second priority to water-related and water-enjoyment uses. For shoreline areas adjacent to commercially navigable waters, give highest priority to water-dependent uses.
 - c. Prohibit new non-water-oriented uses, except:
 - i. As part of mixed use development;
 - ii. In limited situations where they do not conflict with or limit opportunities for water-oriented uses;
 - iii. On sites where there is no direct access to the shoreline;
 - iv. As part of a proposal that result in a disproportionately high amount of restoration of ecological functions.
 - d. Assure no net loss of shoreline ecological functions as a result of new development through shoreline policies and regulations. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.
 - e. Require public visual and physical access and implement public recreation objectives whenever feasible and where significant ecological impacts can be mitigated.

Chapter 4 – General Provisions for All Shoreline Activities

4.1 Introduction

The provisions of this ~~section~~ **Chapter** apply generally to all review activities in shoreline jurisdiction without regard to environment designation, as appropriate. For example, all sites that contain critical areas or archaeological resources where a review activity is proposed are required to meet the corresponding sections of this chapter. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

4.2 Cultural Resources

4.2.1 Applicability

All sites which contain documented archaeological, cultural, and historic resources (e.g., archaeological sites, buildings, structures, districts, objects, traditional cultural places, landscapes that are 50 years of age and older, etc.) that 1) ~~are either~~ recorded at the state historic preservation office and/or by the City, 2) have been identified in consultation with a Tribal Historic Preservation Officer, or 3) have been discovered inadvertently during development are subject to the provisions of this section. In addition to complying with the provisions of this chapter, archaeological sites are subject to RCW Chapter 27.44 (Indian Graves and Records) and RCW Chapter 27.53 (Archaeological Sites and Records). Developments or uses that may impact archaeological sites are subject to WAC Chapter 25-48.

4.2.2 Policies

1. Archaeological, cultural, or historic sites should be protected from the impacts of development proposed within the shoreline due to the limited and irreplaceable nature of these resources.
2. Protection of archaeological, cultural, and historic resources should occur in collaboration with appropriate, tribal, state, federal and local governments. Cooperation among public and private parties is encouraged for the identification, protection and management of such resources.
3. Any proposed site development and/or associated site demolition work should be planned and carried out to avoid impacts to archaeological, cultural, and historic resources.
4. Owners of property containing previously identified archaeological, cultural, or historic sites are encouraged to coordinate with the City and other appropriate agencies (e.g., the Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz tribes, the Washington State Department of Archaeology and Historic Preservation (DAHP), etc.) well before permit application. The intent is to allow these parties ample time to review the proposal, assess impacts, and arrive at recommendations to avoid, minimize, or mitigate for impacts to the affected resource(s).
5. If development or demolition is proposed adjacent to an identified archaeological, cultural, or historic site, then the proposed development should be designed and operated to be compatible with continued protection of the archaeological, cultural, or historic resource.

4.2.3 Regulations

1. Site Inspections, Evaluations, and Surveys – Required When:
 - a. When a shoreline use or development is within 500 feet of an area documented to contain, or likely to contain, archaeological, cultural, or historic resources based on information from DAHP, ~~or~~ a prior archaeological report/survey, or ~~based on~~ a state or federal register, the

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applicant shall provide a site inspection and evaluation report prepared by a qualified cultural resource professional prior to issuance of any Shoreline Permit or approval, including a Minor Project Authorization. Work may not begin until the inspection and evaluation have been completed, and the City has issued its permit or approval.

- b. A survey to identify archaeological, cultural, and historic resources 50 years of age and older may be required to be conducted based on the recommendations of a cultural resources professional contained in the site inspection and evaluation report. The cultural resource survey process shall conform to the most recent update of DAHP's Standards for Cultural Resource Reporting found at this link:
<https://dahp.wa.gov/sites/default/files/CR%20Update%20August%202018%20final.pdf>.
2. Cultural Resources Avoidance. If an archaeological site inspection or evaluation identifies the presence of significant archaeological, cultural, or historic resources at the site, the applicant shall first seek to avoid impacts to the resource.
3. Cultural Resources Management Plan. If an archaeological site inspection or evaluation identifies the presence of significant archaeological, cultural, or historic resources that will be impacted by a project and if recommended by a qualified cultural resource professional, a cultural resource management plan shall be prepared prior to the City's approval of the project. A qualified cultural resource professional(s) shall prepare the cultural resource management plan. Cultural resource management plans shall be developed in consultation with DAHP and affected Tribes. In addition, a permit or other requirement administered by DAHP pursuant to RCW 27.44 and RCW 27.53 may apply. If the cultural resource ~~professional~~ determines that impacts to an archaeological, cultural, or historic resource can be adequately avoided by establishing a work limit area within which no project work or ground disturbance may occur, then a cultural resources management plan is not required.
4. Inadvertent discovery. If any item of possible archaeological interest (including human skeletal remains) is discovered on site during construction or site work, all the following steps shall occur:
 - a. Stop all work in the immediate area (initially allowing for a 100' buffer, this number may vary by circumstance) immediately;
 - b. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
 - c. Take reasonable steps to ensure the confidentiality of the discovery site;
 - d. Take reasonable steps to restrict access to the site of discovery;
 - e. Notify the City, DAHP, and Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz tribes of the discovery.
 - f. A stop-work order will be issued.
 - g. The Shoreline Permit will be temporarily suspended.
 - h. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition for resumption of development activities.
 - i. Development activities may resume only upon receipt of City approval.
 - j. If the discovery includes human skeletal remains, the Skamania County Coroner and local law enforcement shall be notified in the most expeditious manner possible. The County Coroner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction

over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

4.3 Environmental Protection & No Net Loss

4.3.1 Policies

1. This SMP establishes a policy and regulatory framework designed to achieve no net loss of shoreline ecological functions. This is achieved using a combination of the following:
 - a. Chapter 4 General Provisions for All Shoreline Activities and incorporated critical areas provisions with established critical area protection standards including buffers. The Critical Area Buffer establishes the area that must meet mitigation sequencing and compensation for unavoidable adverse impacts.
 - b. Chapter 5 Shoreline Use Regulations with established allowed, conditional, and prohibited uses. This section also determines the Shoreline Setback for each foreseeable use based upon shoreline environment designation and water-orientation. Setbacks establish the area that excludes new development or uses, except as expressly allowed.
 - c. Chapter 6 Shoreline Modification Provisions with established allowed modifications table and vegetation removal policies, regulations, and mitigation standards.
- 1.2. Uses, developments, and modifications on Stevenson's shorelines should be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.
- 2.3. New uses and developments should not have an unmitigated adverse impact on other shoreline functions fostered by this SMP.

4.3.2 Regulations

1. Mitigation Sequence. In order to ensure that review activities contribute to meeting the no net loss provisions by avoiding, minimizing, and mitigating for adverse impacts to ecological functions or ecosystem-wide processes, applicants shall describe how the proposal will follow the sequence of mitigation as defined below:
 - a. Avoid the impact altogether by not taking a certain action or parts of an action;
 - b. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps (e.g., project redesign, relocation, timing to avoid or reduce impacts, etc.);
 - c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;
 - d. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
 - e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitor the impact and the compensation projects and take remedial or corrective measures when necessary.

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2. The mitigation sequence is listed in the order of priority. Applicants shall consider and apply lower priority measures only where higher priority measures are determined to be infeasible or inapplicable.
3. SEPA Compliance. To the extent SEPA applies to a proposal, the analysis of environmental impacts and mitigation related to the proposal shall be conducted consistent with WAC 197-11—SEPA Rules and SMC 18.04—Environmental Policy.
4. Cumulative Impacts. As part of the assessment of environmental impacts subject to this SMP, new uses, developments, and modifications shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions. Evaluation of cumulative impacts shall consider:
 - a. Current circumstances affecting the shorelines and relevant natural processes;
 - b. Reasonably foreseeable future development and use of the shoreline; and
 - c. Beneficial effects of any established regulatory programs under other local, state, and federal laws.
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.
 - 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.
 - 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, including appropriate actions identified in the Restoration Plan.
 - d. Unless waived by the City, authorization of compensatory mitigation shall require appropriate safeguards, terms or conditions (e.g. performance bonding, monitoring, conservation covenants) as approved by the City Attorney and necessary to ensure no net loss of ecological functions.
6. Environmental protection and no net loss shall be achieved by complying with the combination of use regulations, shoreline setbacks, critical area buffers, and vegetation removal restrictions:
 - a. Shoreline Allowances & Setbacks – Table 5.1 establishes a list of permitted, conditional, and prohibited uses in each shoreline environment designation (SED). This table also establishes the minimum shoreline setback applicable to each use, activity, or development within each SED where development cannot occur; and
 - b. Critical Areas Buffers – Section 4.4 Critical Area provisions, including separately incorporated SMC 18.13 provisions that establish Wetland and Riparian buffer standards as additional areas where mitigation sequencing must be applied and unavoidable impacts must be mitigated; and
 - d-c. Modifications & Vegetation – Shoreline modification standards, vegetation standards, and prescriptive mitigation measures of Chapter 6 apply to all vegetation impacts occurring within shoreline jurisdiction.

4.4 Critical Areas

4.4.1 Applicability

1. ~~The provisions of SMC Chapter 18.13 – Critical Areas and Natural Resource Lands (Ordinance #2018-1123, dated October 1, 2018) are hereby incorporated into this SMP, with exception of the following provisions that do not apply in shoreline jurisdiction: apply within shoreline jurisdiction. Said provisions include all amendments adopted through October 1st, 2018, the effective date of Ordinance 2018-1123.~~
 - a. ~~18.13.015 Administrative Provisions;~~
 - b. ~~18.13.025 Exemptions, Exceptions & Expedited Review—Subsections A, B, and C; and D.2-6;~~
 - c. ~~18.13.035 Critical Areas Permit—Application – Subsections A-C, and E-G;~~
 - d. ~~18.13.040 Critical Areas Permit—Review & Approval;~~
 - e. ~~18.13.065 Appeals;~~
 - f. ~~18.13.100 Wetlands – Subsection B.4; and~~
 - a-g. ~~Any provision based upon reasonable use, permit types or requirements, and appeals process or procedures that is inconsistent with the requirements of the SMP or WAC 173-27.~~
2. ~~Critical areas located within shoreline jurisdiction shall be regulated by this SMP. The incorporated critical areas provisions shall be liberally construed together with the SMP to give full effect to the objectives and purposes of the provisions of the SMP and the Shoreline Management Act (SMA).~~ These provisions apply to all lands and all review activities in shoreline jurisdiction, whether or not a Shoreline Permit or authorization is required.
3. These provisions apply to all persons proposing a review activity on shoreline properties containing or likely to affect critical areas (i.e., wetlands, geologic hazards, flood hazards, critical aquifer recharge areas, and fish and wildlife habitat conservation areas) or their buffers, unless the proposed activity and its effects lie wholly outside any critical area or buffer.
4. This section supplements SMC 18.13 provisions for Geologically Hazardous Areas, Fish & Wildlife Habitat Conservation Areas, and Wetlands
5. ~~Where the regulations of SMC 18.13 conflict with the regulations of this SMP, this SMP shall prevail.~~

4.4.2 Policies

The Critical Areas protections of this SMP should:

1. Implement all applicable provisions of SMC 18.13 – Critical Areas and Natural Resource Lands. The review of critical areas provisions should be conducted in concert with the review of shoreline provisions, and proposals should be subject to a single application, fee, and permit.
2. Protect critical areas, as defined by this SMP and consistent with the SMA and RCW 36.70A.170 and 36.70A.050, to meet no net loss for the functions (e.g., water quality; flood hazard reduction; habitat; endangered, threatened and sensitive species protection; water supply; erosion control, etc.) and values (e.g., recreation; aesthetic enjoyment; prevention of property and habitat damage; preservation of natural character, etc.) they provide to humans and the environment.
3. Protect critical freshwater habitats (i.e., streams, rivers, wetlands, and lakes, their associated channel migration zones (CMZs), hyporheic zones, and floodplains) consistent with WAC 173-26-221(2)(c)(iv). The standard critical area categories designated and protected by the City overlap

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to a large extent with critical freshwater habitats. Protections for critical areas are also protections for critical freshwater habitats.

4. Promote appropriate human uses of critical areas within shoreline jurisdiction, which further the objectives of the SMA, and which are compatible with the protection of critical areas (e.g., public access and low-intensity recreational uses).
5. Establish riparian area buffers based upon the performance of functions ~~occurring at the reach-scale for the shoreline in question. This may lead to base buffer widths that are greater or lesser than the standard identified in SMC Table 18.13.095-1.~~ Despite any reduced ~~base~~-buffer, significant trees and Oregon White Oak trees within shoreline jurisdiction shall be managed consistent with SMP Section 6.4.1.

4.4.3 General Critical Area Regulations

1. The City of Stevenson shall not issue any Shoreline Permit (i.e., SSDP, SCUP, shoreline variance) or Minor Project Authorization (MPA), or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a shoreline critical area or associated buffer, without first assuring compliance with the requirements of this section and SMC 18.13, as applicable.
2. Early Disclosure and Verification. When an applicant submits an application for any development proposal, it shall indicate whether any critical areas or buffers are located on or within 300 feet of the site. The presence of critical areas may require additional studies and time for review. However, the City shall review proposals involving critical areas protection under a single application, timeline, fee, and permit as the required Shoreline Permit or MPA. Early disclosure of critical areas will reduce delays during the permit review process. If the applicant states there are no known critical areas, the City should review and confirm whether critical areas exist, and, if critical areas are present, require the applicant to complete a critical areas report.
3. Studies generated as part other federal or state permit processes (e.g., SEPA submittals, biological opinions, biological evaluations, etc.) shall be provided and may be determined by the Administrator as adequate to satisfy the critical areas report requirements of this SMP if the project has been developed in enough detail to have evaluated site-specific impacts and mitigation measures.
- 3.4. New development and the creation of new lots are prohibited in all SEDs when they would cause foreseeable risk from geological conditions, or require structural flood hazard reduction measures in the floodway or CMZ, during the life of the development, consistent with SMP Section 5.4.8 Land Division, and other provisions of this Program.

4.4.4 Fish & Wildlife Habitat Conservation Area Regulations

1. Any use, ~~or~~ development, or modification proposed within or adjacent to an FWHCA with which state or federally endangered, threatened, or sensitive species have a primary association, shall ensure the FWHCA is protected as required by this SMP. If the Shoreline Administrator determines that a proposal is likely to impact an FWHCA adversely, additional protective measures (e.g., protective buffer standards, mitigation, and monitoring programs under SMC 18.13) may be required.
2. Applicants shall provide a preliminary FWHCA assessment for all proposals involving riparian areas. The assessment must establish and/or confirm recognize the ~~base~~-buffer necessary to

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- ensure no net loss of ecological functions occurring at the reach-scale for the riparian area in question.
3. The City ~~or its qualified professional biologist~~ shall condition the approval of activities located in the FWHCA or its buffer as necessary. Approval conditions shall require the applicant to mitigate any potential adverse impacts according to the approved critical area report, mitigation, and monitoring plans.
 4. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided, as necessary, to allow the upstream and downstream migration of all salmonid life stages and shall prevent juveniles migrating downstream from being trapped or harmed.

4.4.6 Wetlands Regulations

1. All wetland review activities, as defined, shall be subject to these regulations.
- ~~1.2.~~ No net loss of wetland area functions and values, including lost time when the wetland does not perform the function, shall occur as a result of the overall project's wetland review activities. Only unavoidable wetland impacts will be authorized. In addition to the requirements in SMP Section 4.3, the following mitigation measures to minimize and reduce wetland impacts shall be required:
 - a. Mitigation shall achieve equivalent or greater biological functions.
 - b. Mitigation actions shall rely on the order of preference in SMC 18.13.100, however, wetland preservation alone shall not be considered as achieving the no net loss standard of this SMP.
- ~~2. Permitted Alterations in High Value Wetlands. Prior to approval of any Shoreline Permit in Category I or II wetlands or their buffers, the City shall verify that:~~
 - ~~a. The proposed project involves water-oriented activities, including public physical access.~~
 - ~~b. The mitigation for impacts shall preferably be within the same wetland or wetland buffer, but if that is not feasible given the size or scale of the water-oriented use, then mitigation occurs in accordance with SMC 18.13.100 and this section.~~
 - ~~c. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland or its buffer using other design techniques, project location or configuration on the same project site.~~

4.5 Flood Hazard Reduction

4.5.1 Applicability

1. The provisions of this section and the critical areas protections above apply in addition to the regulations for frequently flooded areas in SMC 18.13 and the floodplain management regulations in SMC 15.24, including reliance on the established FEMA FIRMs, as amended and the critical areas protections above.
2. The provisions of this section apply to all Frequently Flooded Areas designated in SMC 18.13 and all preliminary channel migration zones (pCMZs) mapped in ICR Appendix C.0.

4.5.2 Policies

1. Limit new uses and development in flood hazard and channel migration zone (CMZ) areas and avoid impacting CMZs where alternatives for avoidance exist. Development in the CMZ has the potential to impact downstream properties by affecting the path and intensity of flooding downstream. In addition, development in the CMZ can lead to net loss of ecological functions.

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2. Encourage removal of artificial restrictions (e.g., dams, shoreline stabilization, channel barriers, etc.) where hydrologic studies indicate that it would be possible to do so without negatively impacting public safety, property, or structures.

4.5.3 Frequently Flooded Area and CMZ Regulations

1. New or enlarged structural flood hazard reduction measures shall be allowed only by a shoreline conditional use permit and only when:
 - a. It can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development;
 - b. ~~That n~~Nonstructural measures are not feasible;
 - c. Impacts to ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss; ~~and~~
 - d. Vegetation standards consistent with SMP Section 6.4.1 are implemented; and
 - e. Located landward of associated wetlands and buffer areas, except for actions that increase ecological functions, such as wetland restoration, where no alternative exists as documented in a geotechnical analysis.
2. New publicly funded dikes or levees shall dedicate and improve public access to the shoreline. This requirement may be waived if public access improvements would cause:
 - a. Unavoidable health or safety hazards to the public;
 - b. Inherent and unavoidable security problems;
 - c. Unacceptable and unmitigable significant ecological impacts,
 - d. Unavoidable conflict with the proposed use; or
 - e. A cost that is disproportionate and unreasonable to the total long-term cost of the development.
3. Only the following new uses and development activities may be appropriate and/or necessary within the channel migration zone or floodway:
 - a. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - b. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - c. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
 - d. Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241(3)(h).
 - e. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
 - f. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
 - g. Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

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- h. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
- i. Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.
- e.j. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

Critical Area Report – Channel Migration Zones

- 3.4. Review activities proposed within a pCMZ, as mapped in ICR Appendix C.0, should first seek to relocate to an area outside of the pCMZ.
- 4.5. For proposals which are not relocated to an area outside of a mapped pCMZ, applicants shall prepare a CMZ desk analysis report. The Administrator may waive this requirement after consultation with resource management agencies (e.g., WDFW, WDNR, etc.) to determine its necessity. A CMZ desk analysis report shall be prepared by a qualified professional hydrogeologist/hydrologist and shall consider the following after reviewing aerial photos, maps, GIS, LiDAR data and/or USGS topographic maps:
 - a. Whether channel movement has occurred between aerial photo/data acquisition years.
 - b. Whether valley confinement is present. If the valley floor is significantly wider than the channel, migration may be occurring. If the valley floor is very narrow as compared with the width of the stream/river channel (less than twice as wide as the channel), it is unlikely channel migration is occurring.
 - c. Whether any of the following are present in reviewing aerial photographs: side channels, large gravel bars, eroding banks, new channels occurring between photo years (avulsion), multiple channels (braiding), wood jams, and/or high sinuosity or sharp channel bends.
- 5.6. If the desk analysis report determines that a CMZ is not likely to be present at the proposal site based on a review of aerial photos maps, GIS and/or LiDAR data then no field assessment is required.
- 6.7. If the desk analysis report determines that channel migration is likely to be present at the project site based on the factors above, a field assessment report prepared by a qualified professional is required to confirm the presence of a CMZ, and field observations shall be documented in the report. Field observation findings shall include:
 - a. Date of the site visit;
 - b. Who conducted the field review and their title/position;
 - c. Distance of channel walked;
 - d. Length of CMZ boundary delineated;
 - e. Presence of avulsion hazard and/or erosion hazard areas;
 - f. Description of method(s) used to determine CMZ presence, CMZ outer edge delineation and marking (flagging, paint, etc.);
 - g. Other applicable information.

Channel Migration Zone Standards

- ~~7.8.~~ When development is proposed in a CMZ, the applicant shall obtain a flood certificate demonstrating whether the proposed development is within the flood hazard area and, if so, is required to comply with all applicable CMZ provisions in this SMP.
- ~~8.9.~~ Hydrogeomorphological study shall be performed for all proposals within a CMZ demonstrating that the proposal does not cause significant impacts to adjacent or downstream properties.

4.6 Public Access

4.6.1 Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. All properties within shoreline jurisdiction have the potential to protect or enhance public access in some form, and all proposed review activities on shorelines are subject to the following policies and regulations.

4.6.2 Policies

1. Continuous public pedestrian access should be provided along the City's shorelines, especially the Columbia River, Rock Cove, and Lower Rock Creek.
2. The system of public physical and visual access to Stevenson's shorelines should be maintained, enhanced, and protected over time on both private and public lands.
3. Public access and recreational facilities should be located in a manner that will preserve the natural characteristics and functions of the shoreline.
4. Private property rights, public safety, and navigational rights should be considered when providing public access opportunities.
5. New development should identify and preserve key shoreline views and avoid obstructing such views from public areas.
6. The City's should develop a comprehensive and integrated public access and trail plan (consistent with WAC 173-26-221(4)) that identifies specific public access needs and opportunities to replace these site-by-site requirements. Such plan should identify a preference for pervious over impervious surfaces, where feasible.

4.6.3 Regulations

1. Consistent with legal/constitutional limitations, provisions for adequate public access shall be incorporated into all proposals for Shoreline Permits that have one or more of the following characteristics:
 - a. The proposed development or use will create a demand for, or increase demand for public access;
 - b. The proposed use is ~~not water-dependent and is not a preferred use under the SMA water-enjoyment, water-related, or non water-dependent, except for individual single-family residences not part of a development planned for 5 or more parcels;~~
 - c. The proposed use involves the subdivision of land into 5 or more parcels;
 - d. The proposed development or use will interfere with existing access by blocking access or discouraging use of existing access;
 - e. The proposed development or use will interfere with public use of waters of the state;

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- f. The proposed development or use will involve public funding or occur on public lands, provided that such access would not result in a net loss of ecological function. Public funding includes any funds from federal, state, municipal or local taxation districts.
2. Additional public access will not be required where suitable public access is already provided by an existing public facility on or adjacent to the site and the Planning Commission makes a finding that the proposed development would not negatively impact existing visual or physical public access nor create a demand for shoreline public access that could not be accommodated by the existing public access system and existing public recreational facilities in the immediate vicinity.
3. Public access will not be required where the applicant demonstrates it is infeasible due to at least one of the following:
 - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, or an alternative amenity are unreasonably disproportionate to the total long-term cost of the proposed development or other legal/constitutional limitations preclude public access;
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated;
 - e. Significant unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
4. To meet any of the conditions under Regulation 3 above, the applicant must first demonstrate to the satisfaction of the Planning Commission that all reasonable alternatives have been exhausted including, but not limited to, the following:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - b. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazings, hedges, landscaping);
 - c. Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system;
 - d. Sharing the cost of providing and maintaining public access between public and private entities.
5. For projects that meet the criteria of Regulation 3 above, the City may consider off-site public access or, if approved by the Planning Commission and agreed to by the applicant, the applicant may contribute a proportional fee to the local public access fund (payment in lieu).
6. If the City determines that public access is required pursuant to Regulation 1 above, the City shall impose permit conditions requiring the provision of public access that is roughly proportional to the impacts caused by the proposed development or use. The City shall demonstrate in its permit decision document that any such public access has a nexus with the impacts of the proposed development and is consistent with the rough proportionality standard.
7. When required, public access shall:
 - a. Consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launch, dock or pier

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- area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays, view easements, and/or decreased building bulk through height, setback, or façade limitations;
- b. Include features for protecting adjacent properties from trespass and other possible adverse impacts;
 - c. Be fully developed and available for public use at the time of occupancy of the proposed use or activity;
 - d. Result in no net loss of shoreline ecological functions.
8. When required, physical public access shall be constructed to meet the following requirements for location, design, operation and maintenance:
- a. Public access sites shall be connected directly to the nearest public street or non-motorized trail through a parcel boundary, tract, or easement, wherever feasible;
 - b. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
 - c. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running in perpetuity with the land, provided, that the Planning Commission may authorize a conveyance that that runs contemporaneous with the authorized land use for any form of public access other than parallel pedestrian access. Said recording with the County Auditor's Office shall occur at the time of permit approval.
 - d. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or nonprofit agency through a formal agreement approved by the City and recorded with the County Auditor's Office.
 - e. Public access sites shall be made barrier-free for the physically disabled where feasible, and in accordance with the ADA.
 - f. Any trail constructed shall meet the conditions described for shoreline areas in any trail or parks plan officially adopted by the City Council.
9. Views of the shoreline from public properties or substantial numbers of residences shall be protected through adherence to height and setback limits specified in this SMP. Where new development would completely obstruct or significantly reduce the aesthetic quality of views from public properties or substantial numbers of residences, mitigation shall be required as follows:
- a. The City may require administrative modifications to standard setbacks, clustering of proposed structures, and modifications to landscaping and building massing when the Planning Commission determines that such modifications are necessary to maintain public views of the shoreline.
 - b. The City shall work with the applicant to minimize the economic impacts of view mitigation. While upper story setbacks and other changes to building placement and form may be required to provide view corridors, in no case shall the applicant be required to reduce the maximum building height for more than 30% of the building's width.
 - 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

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Planning Commission ~~determines that finds~~ 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 a compelling reason to the contrary.
11. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

4.7 Water Quality & Non-Point Source Pollution

4.7.1 *Applicability*

This section shall apply to all projects which have the potential to affect the water quality or quantity of Stevenson shorelines by either changing the flow of surface waters or creating new discharges to Stevenson's shoreline waterbodies.

4.7.2 *Policies*

1. The quality of water in Stevenson's rivers, streams, lakes and their associated wetlands should be maintained and improved for the beneficial use of the City's citizens and aquatic & terrestrial wildlife.
2. All shoreline use and development should protect against adverse impacts to public health, to the land and its vegetation and wildlife, to the waters of the state and their aquatic life, and to stormwater and water quality.
3. New developments, expansions, or retrofits of existing developments should be required to assess the effects of additional stormwater runoff volumes and velocities, and mitigate potential adverse effects on shorelines through design and implementation of appropriate stormwater management measures.
4. Property owners should be encouraged to voluntarily install new, or retrofit existing, stormwater features per the most current edition of Ecology's Stormwater Management Manual for Western Washington, including using low impact development techniques.

4.7.3 *Regulations*

1. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quality in accordance with all applicable laws, so that there is no net loss of ecological functions.
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.).

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3. Shoreline development and uses shall adhere to all required setbacks, buffers, and standards for stormwater facilities.
4. All review activities shall comply with the applicable requirements of all applicable City stormwater, drinking water protection, and public health regulations and the *Stormwater Management Manual for Western Washington*, including using low impact development techniques whenever feasible.
5. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.
 - a. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to the City sewer system if feasible, or make system corrections approved by Skamania County Community Development Department.
 - b. Any new development, business, or multifamily unit shall connect to the City sewer system if feasible, or install an on-site septic system approved by Skamania County Community Development Department.
6. Materials requirements. All materials that may come in contact with water shall be untreated or treated wood, concrete, plastic composites or steel as approved by the USACE or WDFW, that will not adversely affect water quality or aquatic plants or animals.

4.8 Shorelines of Statewide Significance

4.8.1 Applicability

This section shall apply to all projects located along the Columbia River, the only shoreline of statewide significance in Stevenson.

4.8.2 Regulations

1. When determining allowable uses and resolving use conflicts for shorelines of statewide significance, the following preferences and priorities shall apply in the following order of preference and in addition to those listed above:
 - a. Recognize and protect statewide interest over local interest;
 - b. Preserve the natural character of the shoreline;
 - c. Result in long-term over short-term benefit;
 - d. Protect the resources and ecology of the shoreline;
 - e. Increase public access to publicly owned areas of the shoreline;
 - f. Increase recreational opportunities for the public in the shoreline;
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Chapter 5 – Shoreline Use Regulations

5.1 Introduction

The provisions in this chapter apply to specific uses and types of development that typically occur in shoreline areas. Provisions in other sections of this SMP may also apply to the uses and types of development identified in this chapter. Shoreline uses are allowed only if permitted by the underlying zoning. A use that occurs on both uplands and in-water/overwater must meet the requirements of both the upland and aquatic environment designations. Refer to specific use policies and regulations below.

5.2 Provisions Applicable to All Uses

1. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, the following preferences ~~and priorities~~ shall apply in the order listed below:
 - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
 - b. Reserve shoreline areas for water-dependent and associated water-related uses.
 - c. Allow mixed uses projects that include or support water-dependent uses.
 - d. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 - e. Located single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
 - d.f. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the SMA.
2. New uses and development shall be subject to the setback requirements and height limitations contained in Section 5.3 Shoreline Use Table, including Table 5.1 – Shoreline Use & Dimensional Setback Standards.

5.3 Shoreline Use Table

1. Types of Uses: For the purposes of this SMP, there are 3 kinds of use:
 - a. A Permitted (P) use is one that may be authorized through a Minor Project Authorization or Shoreline Substantial Development Permit subject to all the applicable provisions of this SMP.
 - b. A Conditional (C) use is a discretionary use reviewed according to the process and criteria in SMP Section 2.7.
 - c. A Prohibited (X) use is one that is not permitted in a Shoreline Environment Designation.
 - d. When a letter or use category is not listed in this section, an interpretation may be initiated under SMP Section 5.4.13.
2. Use Table: A list of permitted, conditional and prohibited uses in each Shoreline Environment Designation (SED) is presented in Table 5.1 – Shoreline Use & Dimensional Standards. The table also lists the minimum shoreline setbacks applicable to the use, activity, or development categories within each SED. This table is intended to work in concert with the specific use policies

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and regulations that following, however, where there is a discrepancy between this table and the text of the SMP, the text shall take precedence.

TABLE 5.1 – SHORELINE USE & SETBACK STANDARDS										
	Shoreline Environment Designation									
	Most Restrictive ————— to ————— Least Restrictive									
	AQUATIC		NATURAL		SHORELINE RESIDENTIAL		URBAN CONSERVANCY		ACTIVE WATERFRONT	
	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)
P= Permitted, C=Conditional Use, X= Not Permitted, n/a= Not Applicable										
Agriculture & Mining										
Agriculture	X	n/a	X	n/a	X	n/a	X	n/a	X	n/a
Mining	X	n/a	X	n/a	X	n/a	X	n/a	X	n/a
Aquaculture										
Water-Oriented	C	n/a	X	n/a	X	n/a	C	0	C	0
Non-Water Oriented	X	n/a	X	n/a	X	n/a	X	n/a	C	150
Boating Facilities & Overwater Structures										
Non-motorized Boat Launch	See Adjacent Upland Environment		C		P		P		P	
Motorized Boat Launch			X		C		C		P	
Mooring Buoy			C		C		P		P	
Float			X		C		C		P	
Private Leisure Deck			X	n/a	EX	n/a	EX	n/a	PX	n/a
Public Leisure Pier			X		C		P		P	
Single-User Residential Dock			X		C		C		P	
Joint-Use Moorage			X		P		P		P	
Marina			X		X		C		P	
Commercial & Industrial										
Water-Dependent	P				X ¹	0	P	0	P	0
Water-Related, Water Enjoyment	C	n/a	X	n/a	X ¹	75	P	50	P	33
Non-Water-Oriented	X				X	-	C ²	150	C ²	100
Forest Practices										
All	X	n/a	C	50	P	50	P	50	P	25
Institutional										
Water-Dependent	C		C	0	C	0	P	0	P	0
Water-Related	X	n/a	X	n/a	C	100	P	75	P	50
Non-Water-Oriented	X		X	n/a	C	100	C	100	P	100
Cemetery	X		X	n/a	EX	50n/a	P	50	EX	50n/a
Instream Structures										
All	C	n/a	C	0	C	0	C	0	C	0

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TABLE 5.1 – SHORELINE USE & SETBACK STANDARDS, CONT.

	Shoreline Environment Designation									
	<i>Most Restrictive</i> ————— <i>to</i> ————— <i>Least Restrictive</i>									
	AQUATIC		NATURAL		SHORELINE RESIDENTIAL		URBAN CONSERVANCY		ACTIVE WATERFRONT	
	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)
P= Permitted, C=Conditional Use, X= Not Permitted, n/a= Not Applicable										
Land Division										
All	C	n/a	C	n/a	P	n/a	P	n/a	P	n/a
Recreational										
Water-Dependent	P		P	0	P	0	P	0	P	0
Water-Related/Water-Enjoyment	X		C	100	P	50	P	50	P	50
Trail Parallel to the Shoreline, View Platform	C	n/a	P	50	P	50	P	33	P	25
Dirt or Gravel Public Access Trail to the Water	X		P	0	P	0	P	0	P	0
Non-Water-Oriented (golf course, sports field)	X		X	n/a	X	n/a	C	150	C	100
Residential										
Single-Family	X		X		P	50	C	50	X	N/A
Multi-Family	X	n/a	X	n/a	P	50	P	50	P	50
Over-Water Residence	X		X		X	n/a	X	n/a	X	n/a
Transportation & Parking Facilities										
Highway/Arterial Road	C		X	n/a	C	100	P	50	P	50
Access & Collector Road	X		C	100	P	100	P	50	P	50
Private Road	X		C	100	P	50	C	50	C	50
Bridge	C		C	0	C	0	P	0	P	0
Railroad	C	n/a	C	100	C	100	P	50	P	50
Airport	X		X	n/a	X	n/a	C	150	C	150
Primary Parking Facility	X		X	n/a	X	n/a	X	n/a	X	n/a
Accessory Parking (On-Site Parking Serving another Use, Including Recreation/Vista Uses)	X		P	100	P	100	P	50	P	33
Utilities										
Water-Oriented	P	n/a	C	0	C	0	P	0	P	0
Non-Water-Oriented (Parallel)	X	n/a	C	100	C	50	P	50	P	33
Non-water-Oriented (Perpendicular)	C	n/a	C	0	C	0	C	0	P	0
1 – All Industrial uses are prohibited, however, a Water-Oriented Commercial use may be allowed as a conditional use in the Shoreline Residential SED. 2 – <u>Non-water oriented Commercial & Industrial uses</u> c=Conditionally allowed only when a) <u>the site is physically separated from the shoreline by another property or public right-of-way</u> or b) the project provides a significant public benefit with respect to SMA objectives (e.g., providing public access and										

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ecological restoration) and i) is part of a mixed-use project that includes water-dependent uses or ii) navigability is severely limited ~~or b) the site is physically separated from the shoreline by another property or public right-of-way.~~

3. Maximum Building Height: There shall be a 35' maximum height for all structures, except there shall be a 50' maximum height for the following when located in the Active Waterfront SED: Marinas, Water-Oriented Commercial, Industrial, Institutional, and Recreational, and Multi-Family Residential. For a structure to exceed the maximum heights above, the proponent must apply for a Shoreline Variance, and comply with the following criteria in addition to the standard Shoreline Variance Criteria in SMP 2.8:
 - a. Demonstrate that overriding considerations of the public interest will be served, and
 - b. Demonstrate that the proposal will not obstruct the view of a substantial number of residences on areas adjoining such shorelines.

5.4 Specific Shoreline Use Policies & Provisions

5.4.1 Agriculture & Mining

1. Location Description. Agricultural and mining uses are limited and largely inappropriate within Stevenson's shorelines.
2. Applicability.
 - a. In accordance with the provisions of WAC 173-26-241(3)(a)(ii), this SMP applies only to new agricultural activities.
 - b. This SMP applies only to new mining uses.
 - c. Existing agricultural and mining uses, if present, are subject to the nonconforming use provisions of SMP Section 2.9.
3. Policies:
 - a. New agricultural uses should not be permitted on Stevenson's shorelines.
 - b. New mining uses are not appropriate within Stevenson should not be permitted on Stevenson's shorelines.
 - c. Existing agricultural uses should be allowed to continue until the property owner seeks to convert the land to some other use.
4. Regulations:
 - a. Conversion of agricultural land to non-agricultural uses shall be consistent with the applicable Shoreline Environment Designation, the environmental protection and no net loss provisions of SMP Section 4.3, and all appropriate regulations for the new use.

5.4.2 Aquaculture

1. Location Description. Aquaculture ~~ea~~ uses ~~do not currently exist along Stevenson's shorelines, are limited and largely incompatible with Stevenson's vision for its shorelines.~~
2. Applicability. This SMP applies to all proposed aquaculture uses. Aquaculture is the culture of farming of fish, shellfish, or other aquatic plants and animals. Upland finfish rearing facilities as defined in this SMP meet the definition of "agricultural ~~activities~~ ~~facilities/equipment.~~" Nevertheless, these facilities are regulated as non-water oriented aquaculture by the provisions of this section and not SMP Section 5.4.1.
3. Policies:
 - a. ~~New aquaculture uses should be discouraged within Stevenson's shoreline jurisdiction.~~

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- ~~b.a.~~ Because aquaculture is an activity of statewide interest, aquaculture may be considered as a Shoreline Conditional Use Permit (SCUP) within appropriate shoreline environment designations and when consistent with control of pollution and prevention of damage to the environment.
- ~~c.b.~~ The selection of potential locations for aquaculture facilities should take into account specific requirements for water quality, temperature, flows, oxygen content, and adjacent land use compatibility, wind protection, and commercial navigation.
- 4. Regulations:

 - a. The development of aquacultural uses shall control pollution and prevent damage to the shoreline environment, consistent with the mitigation sequencing policies of SMP Section 4.3 and other policies of this SMP related to no net loss of shoreline ecological function. In particular, aquaculture shall not be permitted if it would spread disease to native aquatic life or would establish new non-native species, which cause significant ecological impacts.
 - b. New aquaculture uses that use new or experimental technologies may be allowed.
 - c. Aquaculture uses shall consider the impacts on adjacent and nearby water-dependent uses, – especially recreational uses – and shall not be permitted if, after mitigations are applied, they would negatively affect the viability of other water-dependent uses.
 - d. Aquaculture facilities shall not significantly conflict with water-based navigation.
 - e. The aesthetic impacts of new, expanded, or altered aquaculture facilities shall be addressed by using colors and materials that blend with the surrounding environment and locating facilities where they are naturally concealed from view.
 - f. Non-water-oriented portions of aquaculture facilities (e.g., parking lots, offices, storage, dorm or sleeping quarters, etc.) shall be placed upland of water-oriented aquaculture uses. Such upland areas must be appropriate for ~~the appurtenant and~~ accessory development, including necessary infrastructure.
 - g. New finfish rearing facilities required to offset the impacts of hydroelectric facilities under a FERC license shall obtain first obtain a SCUP. Commercial rearing facilities are prohibited.

5.4.3 Boating Facilities & Overwater Structures

- 1. Location Description. Boating facilities and overwater structures 1) serve an important role in providing recreational access to the City's shoreline waterbodies, 2) bring tourists to the City, and 3) have the potential to generate economic development in conjunction with port and shipping activity. Boating facilities and overwater structures are limited in Stevenson's shoreline areas. The Columbia River within the current shoreline jurisdiction includes public motorized and nonmotorized boating facilities operated by the Port of Skamania County and limited private facilities related to residential uses. Rock Cove and lower Rock Creek are home to informal non-motorized boating facilities on public lands and deteriorating private facilities where some change is expected. In the predesignated area along the Columbia River, there are additional boating facilities and over water structures related to private residential and industrial uses.
- 2. Applicability. This section applies to all boating facilities and overwater structures having as their primary purpose launching or mooring vessels, serving some other water- dependent purpose, or providing public access.
- 3. Policies:

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- ~~a.~~ Boating facilities and overwater structures only for water-dependent uses or for public access should be allowed, provided they can be located, designed, and constructed in a way that results in no net loss of shoreline ecological functions. Docks associated with single-family residences are defined as water-dependent uses only when they are designed and intended as a facility for access to watercraft.
 - ~~a.b.~~ In addition to achieving no net loss, boating facilities and overwater structures should locate where they will be compatible with neighboring uses, including navigational and aesthetic considerations and tribal treaty fisheries.
 - ~~b.c.~~ Boating facilities and overwater structures should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width, and height of overwater structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.
 - ~~c.d.~~ Boating facilities and overwater structures should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term, and have been approved by applicable state agencies.
 - ~~d.e.~~ Boating facilities and overwater structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto (e.g., fishing, swimming, pleasure boating, etc.).
 - ~~e.f.~~ To limit the number and extent of overwater structures and minimize potential long-term impacts associated with those structures, mooring buoys should be preferred over docks; boating facilities and overwater structures that serve many (e.g., joint- use moorages, marinas, public leisure piers, etc.) should be preferred over private, single-user facilities and structures.
 - ~~f.g.~~ Piers should be preferred over floating docks where significant river or stream current does not occur.
4. Regulations:
- a. All boating facilities and overwater structures shall be designed to be consistent with federal and state regulations, including design criteria established by the WDFW, the USACE, and the Washington State Department of Health.
 - b. Boating facilities and overwater structures shall be designed, constructed, and maintained ~~to~~ so as not to interfere with or impair the navigational use of shorelines.
 - c. Boating facilities and overwater structures shall only be permitted where it can be demonstrated that:

 - i. The use is water-dependent or public access;
 - ~~i.~~ii. The proposed site has the flushing capacity required to maintain water quality;
 - ~~ii.~~iii. They will not interfere with exercise of tribal treaty fisheries;
 - ~~iii.~~iv. Adequate facilities for the prevention and control of fuel spillage are incorporated into the proposal;
 - ~~iv.~~v. The proposal is engineered or uses proven methods to maximize human safety and minimize potential for flood- or wind-related detachment of the facility from shore;
 - ~~v.~~vi. There shall be no net loss of ecological functions as a result of the development and associated recreational opportunities;
 - ~~vi.~~vii. The proposed design will minimize impediments to fish migration; and

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- ~~vii-viii.~~ The proposed design allows light penetration to support aquatic vegetation and prevent the increase of predation on salmonids as a result of overwater structures.
- d. New boating facilities and overwater structures shall not be located:
- i. Where unassociated with water-dependent ~~ed~~ uses or public access.
 - ii. Along braided or meandering river channels where the channel is subject to change in alignment.
 - iii. On point bars or other accretion beaches.
 - iv. In areas with important habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.
 - v. Along a shoreline of Rock Cove if the facility is intended for motorized boats
- e. Facilities and structures for use by motorized boats (including personal watercraft) shall be located far enough from public swimming beaches, fishing and aquaculture harvest areas, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns, and potential use conflicts.
- f. Installation of boat waste disposal facilities (e.g., pump-outs, portable dump stations, etc.) shall be required at all marinas and shall be provided at public boat launches to the extent possible. In addition, wash stations to remove noxious weeds shall be provided, where feasible. The locations of such facilities shall be considered on an individual basis in consultation with the state departments of Ecology, [Fish & Wildlife](#), Health, [Natural Resources, and Parks](#), ~~and Washington State Department of Natural Resources (DNR) and WDFW~~, as necessary.
- g. Boating facilities and ~~private~~ overwater structures shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for surface-water users during the day or night.
- h. Floating and other overwater homes, including liveaboard vessels, are prohibited.
- i. Boating facilities and overwater structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol, or other similar toxic materials is prohibited for use in moorage facilities.
- j. Exterior finish of all boating facilities and overwater structures shall be generally non-reflective, to reduce glare.
- k. When required under SMP Section 4.6, public access providing overwater viewing opportunities shall be prioritized for inclusion with boating facilities and overwater structures.
- l. Extended moorage of vessels on waters of the state shall be restricted, except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
- ~~t.m.~~ [Single-user residential docks are water-dependent uses only when demonstrated they are to be designed and intended as a facility for access to watercraft. New residential piers or docks](#)

for two (2) or more dwellings shall provide joint-use or community dock facilities, when feasible, rather than allow individual docks for each residence.

5.4.4 Commercial & Industrial

1. Location Description. Commercial and industrial uses within Stevenson shoreline jurisdiction currently occur on land owned by the Port of Skamania County where future changes and additions are likely. Addition of new commercial uses are likely on vacant lands adjacent to Rock Cove and lower Rock Creek. Addition of new industrial uses are likely on vacant lands adjacent to upper Rock Creek. Redevelopment of the Stevenson Co-Ply mill site and adjacent properties is likely and could include new commercial and industrial development.
2. Applicability. This section applies:
 - a. During the review of Shoreline Permits (i.e., SSDPs, SCUPs, SVARs) for new, altered, or expanded commercial and industrial uses.
 - b. During the review of Minor Project Authorizations (MPA) for commercial and industrial uses.
 - c. In conjunction with all applicable shoreline use and modification provisions of this SMP (e.g., some commercial or industrial developments are often associated with a variety of uses and modifications, such as parking and dredging that are identified separately in this SMP. Each shoreline use and every type of shoreline modification should be carefully identified and reviewed individually for compliance with all applicable sections.).
3. Policies:
 - a. Give first preference to water-dependent commercial and industrial uses over non-water-dependent commercial and industrial uses; and second, to water-related commercial and industrial uses over non- water-oriented commercial industrial uses. Existing non-water-oriented commercial and industrial uses should phase out over time.
 - b. Prohibit new non-water-oriented industrial development on shorelines, unless the circumstances in WAC 173-26-241(3)(f) are found to exist.
 - c. Ensure shoreline commercial development provides public access to the shoreline where opportunities exist, provided that such access would not pose a health or safety hazard.
 - d. Encourage industrial development to incorporate public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property.
 - e. Limit overwater commercial development to that which is water-dependent, or if not water-dependent, that which is accessory and subordinate as necessary to support a water-dependent use.
 - f. Locate and design industrial development in shoreline areas to avoid significant adverse impacts to other shoreline uses, resources, and values, including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food web. However, some industrial facilities are intensive and have the potential to negatively impact the shoreline environment. When impacts cannot be avoided, they should be mitigated to assure no net loss of the ecological functions necessary to sustain shoreline resources.
 - g. Encourage restoration of impaired shoreline ecological functions and processes as part of new or expanded commercial development, especially for non-water-oriented uses.

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- h. Give priority to industrial facilities proposed in areas of the shoreline already characterized by industrial development over such facilities proposed in shoreline areas not currently developed for industrial or port uses.
- i. Locate industrial development where restoration of impaired shoreline ecological functions and processes and environmental cleanup can be included in the design of the project.
- 4. Regulations:
 - a. Water-dependent commercial and industrial uses shall be given preference over water-related and water-enjoyment commercial and industrial uses. Second preference shall be given to water-related and water-enjoyment commercial and industrial uses over non-water-oriented commercial and industrial uses.
 - b. Prior to approval of water-dependent uses, the ~~Administrator~~City 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.
 - c. When allowed, industrial development shall be located, designed and constructed in a manner that assures no net loss of shoreline ecological functions.
 - d. Commercial development that is not water-dependent shall not be allowed over water except where it is located within the same existing building and is necessary to support a water-dependent use.
 - e. Overwater and in-water construction of non-water-oriented industrial uses is prohibited. This provision is not intended to preclude the development of docks, piers, or boating facilities, or water-related uses that must be located in or over water (e.g., security worker booths, etc. that are necessary for the operation of the water-dependent or water-related use).
 - f. Only those portions of water-oriented industrial uses that require over or in-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on piling or other open-work structures, and they are limited to the minimum size necessary to support the structure's intended use.
 - g. Water-related and water-enjoyment uses shall avoid impacts to existing navigation, recreation, and public access.
 - h. Non-water-oriented commercial and industrial development shall not be allowed unless:
 - i. The use is part of a mixed-use project that includes water-dependent uses, and provides a significant public benefit with respect to provisions of public access or ecological restoration; or
 - ii. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access or ecological restoration; or
 - iii. The site is designated for commercial use and is physically separated from the shoreline by another property or a public right-of-way.
 - i. New commercial and industrial developments shall provide public access to the shorelines, subject to SMP Section 4.6.
 - j. Public access and ecological restoration shall be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water dependent development unless such improvements are demonstrated to be infeasible or inappropriate.

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- k. New industrial developments shall mitigate for the impacts of the use's intensity by providing shoreline restoration consistent with the shoreline restoration plan adopted by the City.

5.4.5 Forest Practices

1. Location Description. Forested lands currently exist along Rock Creek and forest practices are expected in that and other areas within Stevenson's shoreline jurisdiction.
2. Applicability.
 - a. This section applies to any forest practice that includes activities other than timber cutting permitted under the Forest Practices Act.
 - b. This section applies to forest practice conversions and other Class IV-General forest practices where there is a likelihood, in the opinion of the Administrator, of conversion to nonforest uses.
 - c. This section does not apply to any other permitted forest practices for which the City relies on the Forest Practices Act, rules implementing that act, and the *Forest and Fish Report* to provide adequate management of commercial forest uses within Stevenson's shoreline jurisdiction.
3. Policies:
 - a. Given the importance of the forest industry to Skamania County's economy, the viability of this industry should be protected while also protecting the City's shorelines from incompatible forest practices that would harm shoreline ecology or negatively impact other uses especially recreation and public access.
 - b. Proposed forest practices regulated by this SMP should result in no net loss of shoreline ecological functions.
 - c. Non-harvest forest practices (e.g., creation of roads, stream crossings, forestry structures and buildings, log storage, etc.) should comply with the regulations of this section and result in no net loss.
 - d. Forest practices should comply with regulations established by the Washington State Forest Practices Act, including coordination with the DNR for Class IV forest practices conversions to non-forest uses and should also comply with selective timber harvesting requirements on shorelines of statewide significance contained in RCW 90.58.150.
4. Regulations:
 - a. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the *Forests and Fish Report* (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222), as administered by DNR, but is not subject to this SMP
 - b. Along the Columbia River, a shoreline of statewide significance, no more than 30% of the merchantable trees located within 200 feet of the OHWM may be harvested within any 10-year period unless approved through a shoreline conditional use permit. Other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

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- c. For the purposes of this SMP, preparatory work (e.g., grading, installation of utilities, vegetation removal, clear cutting, etc.) associated with the conversion of land to non-forestry uses and/or developments including conversion timber harvests shall not be considered a forest practice regulated by this SMP and shall be reviewed in accordance with the provisions for the proposed non-forestry use, modification provisions, and the general provisions of this SMP, including vegetation conservation. The conversion of forest land to non-forestry uses and/or developments shall result in no net loss of ecological functions and avoid impacts to other shoreline resources, values, or other shoreline uses (e.g., navigation, recreation, public access, etc.).
- d. Non-harvest forest practices (e.g., construction of roads, stream crossings, log storage, buildings to assist with forest practices activities regulated by RCW 76.09) are considered development under this SMP and shall adhere to the requirements of this section including demonstrating no net loss of shoreline ecological function and the applicable requirements below:
 - i. All forest practices subject to this SMP shall meet the setbacks in SMP Table 5-1.
 - ii. Roads. Roads shall be constructed outside of shoreline jurisdiction unless demonstrated not to be feasible.
 - iii. Roads. If constructed within shoreline jurisdiction, roads shall be the minimum width necessary to for the forest practice activity and shall be maintained (e.g., regular placement of gravel) to prevent erosion to nearby streams.
 - iv. Roads. Roads shall follow the contour of the land to avoid the necessity for deep cuts or placement fill to stabilize roads.
 - v. Stream Crossings. Bridges are preferred over culverts in streams to prevent impacts to aquatic life and habitats.
 - vi. Stream Crossings. If culverts are proposed, they shall be designed to minimize impacts to aquatic life (e.g., allowing for passage of fish in streams).
 - 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 operations at previously cleared and improved industrial sites for the purposes of shipment and storage for milling, provided that erosion and sediment control BMPs are implemented in compliance with the *Stormwater Management Manual for Western Washington* (2014 or as amended).
 - viii. Temporary Structures. Temporary structures associated with forestry uses are non-harvest forest practices, which are regulated by this SMP. These structures, at a minimum, are subject to the general provisions of this SMP.

5.4.6 Institutional

- 1. Location Description. Institutional uses include land uses and/or related structures for the provision of educational, medical, cultural, public safety, social and/or governmental services to the community. Cemeteries are located within the shoreline jurisdiction for Rock Creek and the pre-designated shoreline area along the Columbia River. The Columbia River, Rock Cove, and lower Rock Creek contain institutional uses for ~~the~~ Skamania County, the Port of Skamania County, and non-profit service providers. These uses are subject to change overtime.

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2. Applicability.
 - a. This section applies to all new, expanded, or altered institutional uses within Stevenson's shoreline jurisdiction.
 - b. This section does not apply to existing cemeteries which are not expanded or altered, however, existing cemeteries are not exempt from the general provisions, the bulk and dimensional standards of SMP Table 5.1 and shoreline modification provisions of this SMP, as applicable.
3. Policies:
 - a. Preference should be given to institutional developments which include water-dependent and water-related uses and activities as primary uses within shoreline areas.
 - b. New institutional development along shorelines should use innovative designs, including low impact development approaches, Leadership in Energy and Environmental Design or other sustainable development measures to serve as an example of optimal shoreline development.
 - c. Institutional development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions and achieve no net loss in compliance with SMP Section 4.3.
 - d. Institutional developments ~~that abutting~~ the water's edge should provide physical and/or visual public access to the shoreline consistent with SMP Section 4.6.
4. Regulations
 - a. Institutional uses shall be designed to prioritize uses such that water-dependent uses have preferred shoreline location, followed by water-~~enjoyment-related~~ 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.
 - b. Where institutional uses are allowed as a conditional use, the following must be demonstrated:
 - i. A water dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features of the site, or the site's separation from the water;
 - ii. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and
 - iii. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, and/or access to the shoreline consistent with protection of shoreline ecological functions.
 - c. Where allowed, non-water-oriented institutional uses may be permitted as part of a mixed use development provided that a significant public benefit such as public access and/or ecological restoration are provided.
 - d. In no case shall loading, service areas, and other accessory uses be located waterward of the structure. Loading and service areas shall be screened from view with native plants.

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5.4.7 Instream Structures

1. Location Description. ~~Stevenson's shorelines include a variety of i~~Instream structures ~~including~~ include 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.
2. Applicability. This section applies to all instream structures placed by humans within a stream or river waterward of the OHWM that causes or has the potential to cause water impoundment or diversion, obstruction, or modification of water flow. Docks, marinas, piers, shoreline stabilization, and boating facilities, although located instream, are not regulated by this section and are not instream structures for the purposes of this section.
3. Policies:
 - a. The location, design, construction and maintenance of instream structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
 - b. Non-structural and non-regulatory approaches should be encouraged as an alternative to instream structures. Non-regulatory and nonstructural approaches may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
4. Regulations
 - a. New instream structures shall obtain approvals through other agencies (e.g., USACE, Ecology, WDFW, DNR, etc.) where applicable.
 - b. New instream structures shall not interfere with existing water-dependent uses, including recreation.
 - c. Instream structures shall allow for natural surface water movement and surface water runoff.
 - d. Instream structures shall not be a safety hazard or obstruct water navigation.
 - e. Instream structures shall be designed by a qualified professional.
 - f. Instream structures shall provide for the protection, preservation, and restoration of ecosystem- wide processes, ecological functions, and cultural resources (e.g., fish and fish passage, wildlife and water resources, hydrogeological processes, natural scenic vistas, etc.).

5.4.8 Land Division

1. Location Description. Land division is an accepted outcome of urban development and occurs in all areas of Stevenson's shoreline jurisdiction.
2. Applicability. This section applies to all proposed land division within shoreline jurisdiction.
3. Policies
 - a. Land division should not result in a net loss of ecological functions.
 - b. Land division should not complicate efforts to maintain or restore shoreline ecological functions.
 - c. Land division involving the subdivision of land into more than 4 parcels should provide community and/or public access in conformance with SMP Section 4.6
4. Regulations:

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- a. Plats and subdivisions shall be designed, configured and developed in a manner that assures no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.
- b. The layout of lots within 1) new plats and subdivisions, 2) plat amendments, or 3) boundary line adjustments shall:
 - i. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
 - ii. Not result in lots containing inadequate buildable space due to critical areas and/or their buffers.
- c. To ensure the success of restoration and long-term maintenance, the City may require that critical areas and/or aquatic lands be placed in a separate tract which may be held by an appropriate natural land resource manager (e.g., homeowner's association, land trust, natural resource agency, etc.).

5.4.9 Recreational

1. Location Description. Recreational uses are an important part of Skamania County's economy, and the increase in recreational opportunities was a key goal of City leaders during the economic decline of the forestry and milling industries. According to information from the Washington State Employment Security Department, the "Leisure and Hospitality Category" makes up approximately one quarter of Skamania County's economy which is a reflection of the importance of tourism in the County and the success of the City in making recreation part of its foundation. Currently the Columbia River, Rock Cove, and lower Rock Creek shorelines are developed with recreational amenities, and all shorelines have the potential for additional recreation.
2. Applicability. This section applies to all new, expanded, or altered recreational uses and facilities which include public and private (commercial) facilities for recreational activities (e.g., camping, hiking, fishing, photography, viewing, birdwatching, concession stands) and more intensive uses (e.g., parks with sports facilities, other outdoor recreation areas).
3. Policies:
 - a. The City should develop a parks and recreation master plan that is mutually consistent with this SMP and consistent with the public access planning guidelines of WAC 173-26-221(4)(c).
 - b. Water-oriented recreational uses are a priority use category under the SMA and for development of the City's shorelines and economy and should be promoted. Non-water-oriented uses are not preferred and should be allowed only if it can be demonstrated that they do not displace water-oriented recreational opportunities.
 - c. Public access should be incorporated into all recreational projects consistent with SMP Section 4.6 and consistent with constitutional limitations, safety, and environment provisions of that section.
 - d. The City should work with BNSF Railway and WSDOT to expand recreational access to the Columbia River and connections between the Columbia River and lower Rock Creek.

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- e. The City should work with private property owners and developers adjacent to recreational uses to help fund improvements which will draw people to shorelines and benefit adjacent businesses.
4. Regulations:
 - a. Water-oriented recreational development shall be given priority and shall be primarily related to access, enjoyment, and use of the water and shorelines.
 - b. Non-water-oriented recreational developments may be permitted only where it can be demonstrated that:
 - i. A water-oriented use cannot feasibly locate on the proposed site due to topography and/or other physical features, surrounding land uses, or the site's separation from the water;
 - ii. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses;
 - iii. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.
 - c. Non-water-oriented accessory uses (e.g., offices and parking areas that are part of recreational facilities) should be located landward of water-oriented facilities.
 - d. Recreational facilities shall include features such as buffer strips, screening, fences, and signs, if needed to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.
 - e. Recreation facilities shall demonstrate that they are located, designed, and operated in a manner consistent with the purpose of the shoreline environment designation in which they are located and will result in no net loss of shoreline ecological functions.
 - f. Where fertilizers and pesticides are used in recreational developments, waters in and adjacent to such developments shall be protected from drainage and surface runoff.

5.4.10 Residential Development

1. Location Description. Single-Family and Multi-Family residential development exists and is planned for several areas of Stevenson's shoreline jurisdiction. The SMA considers single-family residences and their appurtenant structures to be ~~preferred-priority~~ uses similar to water-dependent uses (e.g., ports, recreational uses, public access, commercial and industrial developments). Single-Family uses are mainly considered for areas of upper Rock Creek, along certain areas of the Columbia River and in areas that are separated from the OHWM by road or rail. Multi-Family development is considered along parts of Rock Cove, lower Rock Creek, and the Columbia River, and as part of mixed use projects.
2. Applicability. This section applies:
 - a. During the review of Shoreline Permits (i.e., SSDPs, SCUPs, SVARs) for new, altered, or expanded residential uses including new subdivisions and multifamily developments.
 - b. During the review of Minor Project Authorizations (MPA) for development of one single-family dwelling.
3. Policies:
 - a. Development of single-family residential homes and appurtenant structures are ~~preferred~~ priority uses under the SMA only when consistent with the control of pollution and

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- prevention of damage to natural resources, and should be encouraged in appropriate Shoreline Environment Designations provided they meet the standards of this program to achieve no net loss.
- b. New single-family residential uses should limit shoreline environmental impacts through implementation of the setback and shoreline modification standards of this SMP, as well as provision of stormwater control and adherence to City building, public works, and zoning standards.
 - c. New residential development of more than 4 units should provide public access consistent with SMP Section 4.6.
 - d. New floating homes should be prohibited due to their resulting increases in overwater coverage which can increase juvenile salmon predation and associated pollution from uncontrolled stormwater runoff, sewage and graywater releases.
 - e. New residential development should be subject to the general provisions and environment designation provisions of SMP Chapters 3 and 4 and specific use regulations below.
 - f. Existing residential structures and their appurtenant structures that were legally established, but which do not meet setback or height requirements in this SMP should be considered conforming under this SMP. Redevelopment, expansion, or change of the class of occupancy, of the residential structure may be allowed as consistent with applicable provisions of this SMP, including requirements for no net loss of shoreline ecological functions.
4. Regulations:
- a. New single-family homes are prohibited within the Aquatic, Natural, and Active Waterfront SED.
 - b. New over-water residences, floating homes, and liveaboard vessels are prohibited.
 - c. Home occupation businesses, as described in SMC Table 17.13.020-1, which are accessory to residential uses are permitted provided all other provisions of this SMP are met.
 - 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, Setback Consistency Views. The Shoreline Administrator may approve a minor adjustment in setback standards for a single-family residential uses primary structure, 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 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.
 - ii. Minor Setback Adjustments, Buildable Lots of Record. Adjustments available under SMC 18.13.025(C)(2) shall be available for residential setbacks identified in SMP Table 5.1.

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- iii. Setback Variances. Variances to setback standards that do not qualify for the minor adjustments above may be approved as consistent with the provisions of SMP Chapter 2.
- iv. Water-oriented residential uses (e.g., stairs, walkways, unimproved/natural shoreline access trails, piers, docks, bridges, stabilization, and shoreline ecological restoration projects) may be allowed within the setback provided that:
 - 1. The total impervious surface coverage by all uses within the setback does not exceed 2,000 square feet or 10% of the area within shoreline setbacks of the subject property, whichever is less;
 - 2. When the impact on shoreline vegetation can be mitigated according to SMP 6.4.1; and
 - 3. When no net loss of shoreline ecological functions can be demonstrated.
- e. Impervious Surface Coverage. Within the Shoreline Residential designation, impervious surface coverage shall be limited to 50% of the lot or parcel area within shoreline jurisdiction.
- f. Vegetation conservation and shoreline stabilization. New, expanded, or altered residential uses shall adhere to the vegetation conservation requirements of SMP Section 6.4.1 and the shoreline stabilization requirements of SMP Section 6.4.3.
- g. ~~Piers and Joint-use~~ Docks. For new residential development of more than 2 swellings 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.

5.4.11 Transportation & Parking Facilities

- 1. Location Description. Transportation and parking facilities are necessarily associated with many shoreline uses, and the location of these facilities currently occurs in many areas of Stevenson shoreline jurisdiction regardless of the shoreline environment designation.
- 2. Applicability. This section applies to all new and redeveloped transportation and parking facilities.
- 3. Policies.
 - a. New non-water-oriented transportation facilities should be located outside shoreline jurisdiction unless there is no reasonably feasible alternative alignment or location as determined by an alternatives analysis.
 - 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 adversely impact existing or planned water-dependent uses adversely. Where feasible, a perpendicular alignment to shoreline should be preferred for transportation facilities over a parallel alignment which uses more shoreline area.
 - c. Given that the City's Columbia River Shoreline is bisected by the BNSF railroad and the SR 14, the City should explore opportunities for pedestrian over- and underpasses linking upland areas with the waterfront.
 - d. Pursuant to RCW 47.01.485, the City should review and act on WSDOT proposals within 90 days.

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- e. Public visual and physical access areas should be encouraged as part of new transportation facilities (e.g., viewpoints, rest areas, picnic facilities, trail/bike systems adjacent to roads or railroads, etc.) where feasible and safe to do so. For bridges, public pedestrian access should be considered 1) on the bridge over the waterbody and 2) under or over the bridge parallel to the waterbody.
 - f. The City should consider adopting special standards ~~for~~ to ~~unsure~~ ensure public and private roads within shoreline jurisdiction do not result in net loss of shoreline ecological functions.
 - g. Parking is not a preferred shoreline use and should be allowed only to support a use authorized under the SMP.
 - h. Parking facilities should be located outside of shoreline jurisdiction or as far landward from the OHWM as feasible. Parking facilities serving individual buildings on the shoreline should be located landward, adjacent, beneath, or within the principal building being served. When located within shoreline jurisdiction, the location and design of parking facilities should:
 - i. Minimize visual and environmental impacts to adjacent shoreline and critical areas including provision of adequate stormwater runoff and treatment facilities. Parking areas should be adequately fenced and/or screened along the waterward edges of parking facilities and along the sides of such facilities when they abut differing land uses; and
 - ii. Provide for pedestrian access through the facility to the shoreline.
4. Regulations.
- a. Applications for redevelopment of transportation facilities in shoreline jurisdiction shall include:
 - i. Analysis of alternative alignments or routes, including, where feasible, alignments or routes outside of shoreline jurisdiction;
 - ii. Description of construction, including location, construction type, and materials; and, if needed,
 - iii. Description of mitigation and restoration measures.
 - b. Proposed transportation projects shall plan, design, and locate where routes:
 - i. ~~W~~ will have the least possible adverse effect on unique or fragile shoreline features,
 - ii. ~~W~~ and will not result in a net loss of shoreline ecological functions, and
 - iii. ~~Will not~~ ~~or~~ adversely impact existing or planned water-dependent uses.
 - b.c. Alternative designs for transportation facilities that have less impact on shoreline resources (i.e., narrower rights-of-way, realignment) shall be considered in compliance with the SMC.
 - c.d. Roads and railroads of all types shall cross shoreline jurisdiction by the most direct route feasible, unless such a route would result in greater impacts on wetlands and fish and wildlife habitat conservation areas, or channel migration than a less direct route.
 - d.e. Wherever feasible and in compliance with the SMC, transportation facilities, including local access roads and surface parking facilities, shall be shared across shoreline uses to reduce the need for redundant facilities.
 - e.f. New, replacement and enlarged transportation facilities shall provide public access pursuant to SMP Section 4.6.
 - f.g. The City shall seek opportunities to obtain public easements and construct pedestrian connections over or under the railroad and state highway. The City shall place the pedestrian

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connection in its capital improvement plan and may require it as a condition of approval for Shoreline Permits, including permits involving new or replacement bridges and other transportation facilities.

~~g.h.~~ Primary parking facilities (pay parking lots, park-and-rides) are not allowed within shoreline jurisdiction. Accessory parking (including parking for vista purposes) and loading facilities necessary to support an authorized shoreline use are permitted.

~~h.i.~~ All of the following conditions shall be met when an accessory parking facility is proposed in the shoreline jurisdiction:

- i. The facilities ~~servicing water-dependent and non-water-oriented uses~~ shall be located landward, adjacent to, beneath or within the building being served. ~~The facilities servicing water-related and water-enjoyment uses shall give first preference for location landward, adjacent to, beneath, or within the building being served.~~
- ii. Upland parking facilities shall provide safe and convenient pedestrian circulation from the parking area to the shoreline.
- iii. Loading spaces for development in the shoreline jurisdiction shall be located on the landward or side wall of non-water-dependent uses or activities.
- iv. All facilities shall provide parking suitable to the expected usage of the facility, with preference given to pavement or other dust-free all-weather surfaces.
- v. All facilities shall be screened from adjacent, dissimilar uses through the use of perimeter landscaping, fencing, or some other approved material.

5.4.12 Utilities

1. Location Description. Like transportation and parking facilities, utilities are necessarily associated with many shoreline uses, and the location of these facilities currently occurs in many areas of Stevenson shoreline jurisdiction regardless of the shoreline environment designation.
2. Applicability.
 - a. This section applies to primary uses and activities (e.g., such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities, wireless telecommunications, etc.).
 - b. This section does not apply to on-site utility features serving a primary use (e.g., a water, sewer or gas line to a residence or other approved use) which are considered "accessory utilities" and part of the primary use.
 - ~~c. This section applies to actions related to utility facilities which do not qualify as normal repair and maintenance under SMP Section 2.5.~~
3. Policies.
 - a. Non-water-oriented utility facilities should be located outside shoreline jurisdiction to the maximum extent feasible.
 - b. Utility facilities should be located within existing transportation and utility rights-of-way, easements, or existing cleared areas to the greatest extent feasible.
 - c. Utility facilities should be designed, located and maintained to achieve no net loss of shoreline ecological functions.

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- d. Existing and new overhead utilities along the Columbia River shoreline should be brought underground whenever feasible.
 - e. The City should incorporate existing major transmission line rights-of-way on shorelines into its program for public access to and along water bodies.
4. Regulations.
- a. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
 - b. Infrastructure plans shall be reviewed for compatibility with this SMP, and utility service availability in shoreline jurisdiction shall not be the sole cause justifying more intense development.
 - c. Primary utility production and processing facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
 - d. Transmission facilities shall be located to cause minimal harm to the shoreline and shall be located outside of shoreline jurisdiction whenever feasible. When located within the Columbia River shoreline, utility facilities shall be brought underground.
 - e. Transmission facilities shall be located in existing rights-of-way whenever possible, cross shoreline jurisdiction by the most direct route feasible, and generally be located perpendicular to the shoreline, unless an alternative route would result in less impact on shoreline ecological functions;
 - f. Where environmental impacts are less significant, utility transmission lines, pipes, and wires shall be bored under a river, stream, or CMZ, or permanently affixed to a bridge or other existing above-ground structure, where feasible;
 - g. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

5.4.13 Unlisted Uses

1. Purpose. It is not possible to contemplate all of the various uses that will be compatible within a shoreline environment designation. Therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a shoreline environment designation had they been contemplated and whether such unlisted uses are compatible with the listed 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 ([Said provisions include all amendments adopted through February 27th, 2017, the effective date of Ordinance 2017-1103.](#)), provided that prior to establishing any unlisted use within shoreline jurisdiction, the applicant shall first obtain a Shoreline Conditional Use Permit under SMP Section 2.7 and WAC 173-27-160.

Chapter 6 – Shoreline Modification Provisions

6.1 Introduction

The policies and provisions in this chapter apply to all new, altered, or expanded shoreline modifications. While shoreline uses typically occur on a permanent or ongoing basis, shoreline modifications are typically temporary or one-time activities undertaken in support of or in preparation for a shoreline use. Shoreline modifications include construction-related activities such as a dike, breakwater or shoreline stabilization, but also include activities such as dredging, filling, clearing, grading, and vegetation removal. For example: vegetation removal and grading (shoreline modifications) may be necessary to prepare for a boat launch (shoreline use).

6.2 General Provisions for All Shoreline Modifications

Shoreline modifications are expected to implement the following principles:

1. Policies: The environmental impacts of new shoreline modifications should be consistent with the following:
 - a. Limit the number and physical extent of shoreline modifications,
 - b. Consider the site-specific conditions which inform the need for and type of modification which is appropriate, with a preference for lesser ecological impacts, and non-structural modifications over structural,
 - c. Allow structural shoreline modifications only where they i) are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or ii) are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes,
 - d. Incorporate all feasible measures to protect, restore, and enhance ecological functions and ecosystem-wide processes as modifications occur.
2. Regulations: All proposed shoreline modifications shall:
 - a. Meet the mitigation sequencing requirements in SMP Section 4.3.
 - b. Satisfy all specific shoreline modification provisions of this chapter.

6.3 Shoreline Modifications Table

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. This table is intended to work in concert with the specific modification policies and regulations that follow, however, where there is a discrepancy between this table and the text of the SMP, the text shall take precedence.

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TABLE 6.1 – ALLOWED SHORELINE MODIFICATIONS						
	Most Restrictive to Least Restrictive					
	AQUATIC	NATURAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	ACTIVE WATERFRONT	
P= Permitted, C=Conditional Use, X= Not Permitted, N/A= Not Applicable						
Vegetation Removal	See Adjacent Upland Environment					
All		P	P	P	P	
Fill						
Fill Upland of OHWM		C	P	P	P	
Fill Waterward of OHWM		C	C	C	C	
Shoreline Stabilization						
Soft Stabilization		P	P	P	P	
Hard Stabilization		X	C	C	C	
Shoreline Restoration						
All		P	P	P	C	
Dredging ¹						
New Channel or Basin		X	C	P	P	
Maintenance Dredging		P	P	P	P	
Dredge Disposal w/i a Channel Migration Zone		X	C	C	C	
Dredge Disposal for Ecological Restoration/Enhancement		X	C	C	C	
Breakwaters, Jetties, Groins & Weirs						
All		C ²	C ²	C ²	C ²	
1 – Dredging for fill is generally prohibited except for a Model Toxics Control Act (MTCA), Comprehensive Environmental Response Compensation and Liability (CERCLA), or habitat restoration project approved by a shoreline conditional use permit (SCUP). 2 – A SCUP is not required when those structures are installed to protect or restore ecological functions (e.g., large woody material installed in streams, etc.).						

6.4 Specific Shoreline Modification Provisions

6.4.1 Vegetation Removal

1. Applicability:
 - a. This section applies to any removal of or impact to shoreline vegetation, whether or not that activity requires a Shoreline Permit. Such activities include clearing, grading, grubbing, and trimming of vegetation.
 - b. This section does not apply retroactively to existing legally established uses and developments and the ongoing maintenance of lawns, gardens, or landscaping. This section does not apply to activities associated with a Forest Practices Permit, unless the permit involves conversion to non-forestry uses.

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- c. The provisions of SMC 18.13.025(D)(1) apply to vegetation removal within shoreline jurisdiction.
 - d. The provisions of [this section](#) and SMC 18.13.095 apply to all vegetation removal within 150 ft of the OHWM or such other buffer as established in SMP Section 4.4.
2. Policies:
- a. Native shoreline vegetation should be conserved where new developments, uses, or shoreline modifications are proposed.
 - b. Vegetation removal and conservation should not prevent shoreline uses but should provide for management in a manner that assures no net loss of shoreline ecological functions.
 - c. Shade-providing vegetation, especially on the south and west banks of waterbodies, should be prioritized.
 - d. Management and control of noxious and invasive weeds should be achieved in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality.
 - e. Voluntary enhancement of native shoreline vegetation should be encouraged.
 - f. Public education on the benefits of native vegetation, the adverse impacts of lawn chemicals and fertilizers, and participation in the Skamania County Master Gardeners training should be encouraged.
 - g. Vegetation conservation should not apply retroactively to existing legally established uses and developments where the removal of vegetation is consistent with a previously-approved landscaping, mitigation, and/or restoration plan.
3. Regulations:
- General**
- a. Vegetation removal shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. This includes the design, location, and operation of the structure or development, including septic drain fields, which shall minimize vegetation removal and meet all applicable requirements.
 - b. If removal of shoreline vegetation is unavoidable, vegetation removal shall be mitigated in accordance with the requirements in SMP Table 6.2 – Mitigation for Vegetation Removal within Shoreline Jurisdiction. Exceptions:
 - i. The removal of native vegetation within established gardens, landscaping that serve a horticultural purpose shall not require mitigation under SMP Table 6.2.
 - ii. Mitigation plans prepared by a qualified professional may establish mitigation ratios that deviate from SMP Table 6.2.
 - c. No tree containing an active nest of an eagle, osprey, or other protected bird (as defined by WDFW or the Bald and Golden Eagle Protection Act) shall be removed and the nest shall not be disturbed unless the applicant obtains approval from WDFW.
 - d. Vegetation removal conducted for the purposes outlined in SMC 18.13.025(D)(1)(a through d) shall comply with the regulations therein.
 - e. Aquatic weed control shall be allowed only where the presence of aquatic weeds will affect native plant communities, fish and wildlife habitats, or an existing water dependent use adversely. Aquatic weed control efforts shall comply with all applicable laws and standards.

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TABLE 6.2 – MITIGATION FOR VEGETATION REMOVAL WITHIN SHORELINE JURISDICTION		
Location of Vegetation Removal	Type of Vegetation Removal	Mitigation Action Required^{1,2,3,4}
Anywhere	Invasive or noxious vegetation	Native or non-native vegetation planting at 1:1 area ratio
	Hazard Tree	Native or non-native replacement planting at 2:1 replacement ratio
50 Feet or Less from OHWM	Grass, pasture, non-woody, or non-native vegetation (excluding invasive or noxious vegetation)	Native or non-native vegetation planting at 1:1 mitigation ratio
	Native groundcover and understory	Native replacement planting at 2:1 mitigation ratio
	Native tree < 12 inches DBH	Native, woody vegetation replacement planting at 2:1 mitigation ratio
	Significant tree ≥ 12 inches DBH	Native tree replacement planting at 3:1 mitigation ratio
More than 50 Feet from OHWM	Any non-native vegetation	Native or non-native replacement planting at 1:1 mitigation ratio
	Native groundcover or understory	Native replacement planting at a 1:1 mitigation ratio
	Any native tree	Native tree replacement planting at 2:1 mitigation ratio
Outside Oregon White Oak Woodland Dripline	Any removal of native or non-native vegetation within shoreline jurisdiction	Temporary tree protection fencing required prior to ground disturbance. No clearing, grading, trenching staging, boring, or any other activity is allowed within the dripline of the oak woodlands. Conservation covenant or other mechanism may be required if future development is likely to impact mitigation area.
Inside, Entirely or Partially, Oregon White Oak Woodland Dripline	No oak removal and no significant damage to health of the oak trees as demonstrated by arborist's report.	Install temporary tree protection fencing required prior to ground disturbance at the extent of proposed activity to ensure that no clearing, grading, trenching, staging, boring or any other activity will occur within the dripline of oak woodlands beyond what has been recommended by an arborist. Require mitigation for lost scrub/shrub vegetation, if appropriate. Conservation covenant or other mechanism is required to protect the oak woodland from future development.
	Oak removal or significant damage to the health of oak trees as demonstrated by arborist's report.	At a minimum, replace oak trees based on area impacted with new Oregon white oak trees and contact WDFW for additional mitigation.
<p>1 – Impact area is based on the cumulative total of all unmitigated impacts from the effective date of this SMP and is defined as the area of cleared vegetation as measured on the ground.</p> <p>2 – The standards listed in SMC 18.13.057 apply to activities undertaken based on this table. However, for project involving vegetation removal that are not associated with a Shoreline Permit, the Administrator may waive requirements of that section related to deed notices and permanent demarcation for the mitigation area.</p> <p>3 – Replacement planting involves like-for-like replacement of either 1) the species removed or 2) the vegetative layer (strata) as that removed. No invasive vegetation shall be used for replacement purposes.</p> <p>4 – To assist applicants with in determining appropriate mitigation, the City may maintain a list of native vegetation that provide groundcover, understory, and tree canopy cover functions in riparian areas.</p>		

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- f. Mitigation Area, Location. The location of the mitigation area shall:
 - i. Be on site unless there is insufficient area on site;
 - ii. Improve an area of low habitat functionality;
 - iii. Be within 50 feet of the OHWM or as close as possible to the shoreline waterbody;
and
 - iv. Prioritize south and west banks of waterbodies to provide shade.
- g. Mitigation Area, Monitoring.
 - i. The project shall be monitored annually for 5 years to document plant survivorship.
 - ii. Monitoring reports shall be provided to the Administrator once per year.
 - iii. The planted mitigation area shall achieve a plant survival standard of 80% at the end of 5 years.
 - iv. Monitoring results may require additional/replacement planting to meet the survival standard. If the survival standard is not met, then additional planting may be required **and the monitoring period extended**.
 - v. ~~In lieu of monitoring, a~~ conservation covenant may be established which prevents future development or alteration within the mitigation area.

6.4.2 Fill

- 1. Applicability: Any fill activity conducted within shoreline jurisdiction must comply with the policies and provisions herein.
- 2. Policies:
 - a. Allow fill when it is demonstrated to be the minimum extent necessary to accommodate an allowed shoreline use or development or when associated with a shoreline restoration project and with assurance of no net loss of shoreline ecological functions and processes.
- 3. Regulations:
 - a. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
 - b. All fills, except fills for the purpose of shoreline restoration, shall be designed:
 - i. To be the minimum size necessary to implement the allowed use or modification.
 - ii. To fit the topography so that minimum alterations of natural conditions will be necessary.
 - iii. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
 - iv. To include a temporary erosion and sediment control (TESC) plan, identifying BMPs. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.
 - c. Fills in wetlands, floodways, CMZs or waterward of the OHWM may be allowed only when necessary to support one or more of the following:
 - i. Water-dependent uses.
 - ii. Public Access.
 - iii. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

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- iv. Disposal of dredged material considered suitable under, and conducted in accordance with WDNR's Dredged Material Management Program and/or the Dredged Material Management Office of the USACE.
 - v. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible.
 - vi. Mitigation action (environmental or hazard), ecological restoration, beach nourishment, or enhancement project consistent with an approved mitigation or restoration plan.
- d. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.
 - e. Upland fills not located within wetlands, floodways, or CMZs may be allowed provided they are:
 - i. Part of an allowed shoreline use or modification, or necessary to provide protection to cultural resources.
 - ii. Located outside applicable setbacks, unless specifically allowed in setbacks.

6.4.3 Shoreline Stabilization

- 1. Applicability: This section applies to all new, enlarged, or replacement shoreline stabilization as defined in SMP Chapter 7.
- 2. Policies:
 - a. Locate and design new development to avoid the need for future shoreline stabilization to the extent feasible.
 - b. Use structural shoreline stabilization measures only when nonstructural methods are infeasible.
 - c. Ensure soft structural shoreline stabilization measures are used prior to hard stabilization measures unless demonstrated to be insufficient.
 - d. Ensure that the cumulative impacts of existing, new, or enlarged hard shoreline stabilization (e.g., beach starvation, habitat degradation, sediment impoundment, exacerbation of erosion, groundwater impacts, hydraulic impacts, loss of shoreline vegetation, loss of large woody material, restriction of channel movement and creation of side channels, etc.) do not result in a net loss of shoreline ecological functions.
 - e. Allow new or enlarged structural shoreline stabilization only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or for reconfiguration of the shoreline for mitigation or enhancement purposes.
 - f. Ensure all proposals for structural shoreline stabilization, both individually and cumulatively, do not result in a net loss of ecological functions.
- 3. Regulations:
 - General**
 - a. New development shall be designed to avoid the need for future shoreline stabilization where feasible, including the following specific requirements:
 - i. Land divisions shall be designed to ensure that lots created will not require stabilization using a geotechnical analysis of the site and shoreline characteristics.

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- ii. New development shall be adequately setback from steep slopes or bluffs to ensure that stabilization is unnecessary during the life the structure(s).
 - iii. New development that requires shoreline stabilization that causes significant impacts to adjacent or downstream properties is not permitted.
 - iv. Shoreline stabilization structures, both individually and cumulatively, shall not result in a net loss of ecological functions, and shall be the minimum size necessary. Soft approaches shall be used whenever feasible unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
- b. If construction or repair of a shoreline stabilization measure entails vegetation clearing or ground disturbance within the shoreline setback, such disturbance shall be restored according to SMP Section 6.4.1 as quickly as feasible.
- c. A geotechnical report shall be prepared for all new, enlarged, and replacement structural stabilization. The report shall address the need to prevent damage to a primary structure shall meet the following requirements:
- i. Address the necessity for shoreline stabilization by estimated time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that 1) there is a significant possibility that such a structure will be damaged within 3 years as a result of shoreline erosion in the absence of such hard armoring measures, or 2) waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.
 - ii. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the 3 years, that report may still be used to justify more immediate authorization to protect against erosion using soft or nonstructural measures.
- d. When new, enlarged, or replacement structural shoreline stabilization is demonstrated to be necessary per the ~~above~~ requirements of subsections e and f below, it shall:
- i. Be the minimum size necessary and shall meet no net loss. Soft stabilization measures shall be implemented unless demonstrated not to be sufficient to protect the primary structures, dwellings or businesses.
 - ii. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict public access except where such access is demonstrated to be infeasible for reasons stated in SMP Section 4.6.3. Ecological restoration and public access improvements shall be incorporated into the stabilization measure, where feasible.
 - iii. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect sediment-producing areas to avoid or, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the City will coordinate shoreline management efforts with Skamania County. If shoreline erosion is threatening existing development, the City will consider formation of a management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

iii.iv. For residential primary structures in a geologically hazardous area or its buffer, demonstrate no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure.

New or Enlarged Structural Stabilization

- e. New or enlarged structural shoreline stabilization measures shall not be allowed, except when the following subsections (i through iv), as applicable, are met.
 - i. For existing primary structures:
 - 1. The need to protect primary structures from damage due to erosion is conclusively demonstrated through a geotechnical report.
 - 2. The erosion control structure will not result in a net loss of shoreline ecological functions.
 - ii. In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:
 - 1. The erosion is not being caused by upland conditions, such as drainage or loss of vegetation;
 - 2. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes (e.g., tidal action, currents, wind, waves, etc.).
 - iii. In support of water-dependent development when all of the conditions below apply:
 - 1. The erosion is not being caused by upland conditions (e.g., loss of vegetation, drainage, etc.);
 - 2. Nonstructural measures (e.g., planting vegetation, installing on-site drainage improvements, etc.) are not feasible or not sufficient; and
 - 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - iv. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.

Replacement Structural Stabilization

- f. For the purposes of this section, replacement means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, wind or waves provided the following provisions (i through iv) are met:
 - i. There is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, wind or waves. For replacement stabilization

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structures, a geotechnical report is recommended but not required. At a minimum, applicants must demonstrate need by addressing the following:

1. The structure or use will be at risk from currents, tidal action, wind or waves if the stabilization structure is not replaced;
 2. No feasible options exist to move the at-risk structure out of harm's way;
 3. The primary structure is well-built and will be viable for a long time after stabilization is provided.
 4. The primary structure is not otherwise at risk because of its location in a flood or geotechnical hazard area and replacing the stabilization structure would not assure the long-term safety of the structure.
- ii. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - iii. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - iv. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.

Repair of Shoreline Stabilization

- g. Normal repair and maintenance of shoreline stabilization is an activity which is authorized under WAC 173-27-040(2)(b). However, for the purposes of this section, repair of a shoreline stabilization measures that exceeds the state-established threshold qualifies as a replacement and is subject to the standards for replacement of stabilization structures, above. A repair to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, and the repair is 50% or greater of the value of the shoreline stabilization measure shall constitute replacement.

6.4.4 Shoreline Restoration

1. Applicability: This section applies to all shoreline habitat and natural systems enhancement projects. These projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.
2. Policies:
 - a. The ecological enhancement and restoration measures projects identified in the Stevenson Shoreline Restoration Plan should be implemented, and all other shoreline habitat and natural systems enhancement projects should be consistent with that plan wherever feasible.
 - ~~b. Ecological enhancement and restoration measures occurring on Stevenson's shorelines should not interfere with the establishment of other preferred shoreline and uses, especially in the Active Waterfront SED.~~
3. Regulations:
 - a. Shoreline habitat and natural systems enhancement projects may be permitted in all shoreline environments, provided:
 - i. The project's purpose is the restoration or enhancement of the natural character and ecological functions of the shoreline; and

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- ii. It is consistent with the implementation of an approved comprehensive restoration plan, or the project will provide a proven ecological benefit and is consistent with this SMP.
- b. To the extent possible, restoration and enhancement shall be integrated and coordinated with other parallel natural resource management efforts.
- c. Implementation of restoration projects identified in the Stevenson Shoreline Restoration Plan that are focused on restoring degraded habitat in shoreline jurisdiction shall take precedence over other restoration projects.
- d. The provisions of this SMP shall not apply where a shoreline restoration project causes or would cause a landward shift in the OHWM that results in 1) land that had not been regulated under this SMP prior to construction of the restoration project being brought under shoreline jurisdiction or 2) additional regulatory requirements applying due to a landward shift in required shoreline buffers or other regulations of this SMP. To obtain this relief, projects shall satisfy the substantive and procedural requirements of WAC 173-27-215.

6.4.5 Dredging

- 1. Applicability:
 - a. This section applies to new or maintenance dredging activities and disposal of dredge materials from these activities.
 - b. This section is not intended to cover dredging that is incidental to the construction of an otherwise authorized use or modification (e.g., shoreline crossings, bulkhead replacements). These in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of this SMP.
- 2. Policies: Dredging and dredge material disposal should be done in a manner that avoids or minimizes significant ecological impacts, and impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
- 3. Dredging Regulations:
 - a. New development shall be located and designed to avoid or minimize the need for new and maintenance dredging.
 - b. Dredging shall only be permitted:
 - i. In conjunction with a water-dependent use of water bodies or adjacent shorelands.
 - ii. As part of the development of utilities or essential public facilities when there are no feasible alternatives;
 - iii. To establish, expand, relocate or reconfigure navigation channels for existing navigational uses, only where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.
 - iv. As maintenance dredging of established navigation channels and basins, restricted to a previously dredged area and/or an existing authorized dredge prism (specified location, depth, and width).
 - v. For projects associated with MTCA or CERCLA project or with a significant habitat restoration project approved by a Shoreline Conditional Use Permit (SCUP),

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otherwise dredging for fill materials is prohibited. Disposal of such dredged materials are subject to the requirements below.

- c. Removal of gravel for flood control shall only be allowed if i) biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, ii) no net loss of ecological functions occurs, and iii) extraction is part of a comprehensive flood management solution.
4. Dredge Disposal Regulations:
 - i. When a dredge activity is conducted for the primary purpose of obtaining fill material, the disposal of dredged materials shall be waterward of the OHWM.
 - ii. Disposal of dredged materials on shorelands or associated wetlands shall first obtain a SCUP and must demonstrate the suitability of the material for a beneficial use identified in a regional interagency dredge material management plan or watershed management plan.
 - iii. When located within a channel migration zone, disposal of dredged materials shall be discouraged and shall only be allowed with a SCUP.

6.4.6 Breakwaters, Jetties, Groins, and Weirs

1. Applicability: This section applies to new, expanded or replacement breakwaters, jetties, groins, and weirs as those are defined in SMP Chapter 7.
2. Policies:
 - a. Allow breakwaters, jetties, groins, and weirs to be located waterward of the OHWM only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
 - b. Consider alternative structures with less impact where physical conditions make such alternatives feasible.
3. Regulations:
 - a. Except when for ecological protection/restoration, new, expanded or replacement structures shall only be allowed with a SCUP.
 - b. New expanded or replacement structures shall demonstrate that they will protect critical areas, will not result in a net loss of shoreline ecological functions, and will support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
 - c. Breakwaters, jetties, groins, and weirs shall be limited to the minimum size necessary.
 - d. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas.
 - e. Proposed designs for new, expanded or replacement structures shall be designed by qualified professionals, including both an engineer and a biologist.



Chapter 7 – Definitions

As used in this SMP, the words below have the meaning given here unless the context clearly dictates otherwise. [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.](#)

7.1 Abbreviations & Acronyms

ANSI – American National Standards Institute

BMP – Best Management Practice

CERCLA – The Comprehensive Environmental Response, Compensation, and Liability Act (“Superfund”); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA

CMZ – Channel Migration Zone

DBH – Diameter at breast height, 4.5 feet above existing grade

FEMA – Federal Emergency Management Agency

MTCA – The Model Toxics Control Act

OFM – Washington Office of Financial Management

OHWM – Ordinary High Water Mark

RCW – Revised Code of Washington

SEPA – Washington State Environmental Policy Act, Chapter 43.21C RCW.

SMA – The Shoreline Management Act, Chapter 90.58 RCW, as amended

SMP – Shoreline Master Program

WAC – Washington Administrative Code

WDFW – Washington Department of Fish & Wildlife

WDNR – Washington Department of Natural Resources

USACE – United States Army Corps of Engineers

7.2 Words & Phrases

Accessory Use or **Accessory Structure** – A use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use, but is not an appurtenance use as defined in this Chapter.

Adjacent – Immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located: 1) on site immediately adjoining a critical area; or 2) a distance equal to or less than the required critical area buffer width and building setback.

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

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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.

Alteration – See SMC 18.13.010 – Definitions.

Anadromous Fish – See SMC 18.13.010 – Definitions.

Applicant – A person who files an application for a permit and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

Appurtenance – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and also of the perimeter of any wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed 250 cubic yards, except to construct a conventional drain field, and which does not involve placement of fill in any wetland or waterward of the OHWM (WAC 173-27-040(2)(g)). Residential appurtenances do not include bulkheads, other shoreline modifications or overwater structures.

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.

Archaeological – Having to do with the systematic, scientific study of past human life and activities through material remains.

Archaeological Artifact – An object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities, graves, skeletal remains, and technological byproducts.

Archaeological Resource/Site – A geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological artifacts.

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Archaeological Site Inspection – A preliminary archaeological investigation of a project area which includes, but is not limited to, archaeological databases, walking the site in a series of transects, and shovel test probes of the subsurface as necessary. When archaeological deposits are identified, sufficient shovel test probe examination shall be conducted to determine whether the discovery meets the definition of an archaeological site in RCW 27.53.030. A Washington State Archaeological Site Inventory form shall be completed and submitted for the identified site. Site inspection reports shall be professionally reasoned and sufficiently detailed to allow another archaeologist to repeat the investigation and reach a similar conclusion.

Archaeological Survey – A formal archaeological study that includes background research and adheres to the Washington State Department of Archaeology and Historic Preservation (DAHP).

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.

Beach – The area of unconsolidated material at the interface between a waterbody and dry land.

Best Management Practice or **BMP** – A conservation practice or system of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment; (b) minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands; (c) protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and (d) provide standards for proper use of chemical herbicides within critical areas.

Boat Launch or **Boat Ramp** – A graded slope, slab, pad, plank, or rails providing access in and out of the water for boats or other watercraft by means of a trailer, hand, or mechanical device. Boat launches are categorized based upon whether the access they provide accommodates motorized watercraft.

Boating Facility – Uses and structures (e.g., marinas, moorages, floats, mooring buoys, boat launches, etc.) designed and intended to support boats and water craft. This definition includes components related to the above uses (e.g., docks, piers, gangways, ells, etc.).

Breakwater – An offshore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave- caused erosion.

Buffer – See SMC 18.13.010 – Definitions.

Canopy Cover – See SMC 18.13.010 – Definitions.

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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.

City – The City of Stevenson or the City designee or authorized agent.

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 Development – Those uses that are involved in business trade (e.g., occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, privately operated recreational uses, etc.).

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

Comprehensive Plan – The document, including maps adopted by the City Council that outlines the City's goals and policies relating to management of land use and development.

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.](#)

Critical Freshwater Habitat – Designated under chapter 36.70A RCW, including streams, rivers, wetlands, and lakes, their associated CMZs, and floodplains.

Cumulative Impact – The combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

Cultural Resources – Archeological and historical sites and artifacts, and traditional areas or items of religious, ceremonial and social uses for tribal members and citizens of Washington.

Degrade – To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

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.

Dock – A landing or moorage facility for watercraft. Private leisure decks, storage facilities or other appurtenances are not included in this definition.

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Dock, Single User Residential – A dock that is used for non-commercial use and enjoyment of a single-family residential lot.

If a dock is 1) used for commercial use or 2) by more than one single-family residential lot it is a joint-use moorage.

Dredging – The removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a river, stream, or associated wetland. "Maintenance dredging" includes the removal of earth or sediment within established navigation channels and basins.

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.

Ecologically Intact Shorelines – Those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis, and the term may apply to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

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.](#)

Emergency – An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Ell – Extensions of piers, often in a U-shape or L shape, to provide additional space for mooring watercraft.

Enhancement – Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Erosion – The wearing away of land by the action of natural forces.

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Erosion Hazard Area – Those areas that, because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

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 Acclimation Facility – A pond, net pen, tank, raceway, or other natural feature or artificial structure used for rearing and imprinting juvenile fish to a body of water before their release.

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.~~

Fish Hatchery – A facility designed for the artificial breeding, hatching and rearing through the early life stages of finfish.

Float – A floating structure that is moored, anchored, or otherwise secured in the water offshore, and that provides a landing for water dependent recreation (e.g., a platform used for swimming and diving) or as a moorage for watercraft.

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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.~~

Flood Insurance Rate Map or FIRM – The official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones (CFR 44 Part 59).

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)~~.

Floodway – The area, ~~as identified in this SMP, that either: i) H~~ has been established in ~~effective~~ FEMA flood insurance rate maps or floodway maps; ~~or ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway,~~ The floodway does not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest Practices – Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control (WAC 222-16-010(21)). Forest practices do not include forest species seed orchard operations and intensive forest nursery operations; or preparatory work (e.g., tree marking, surveying, road flagging, etc.); or removal or harvest of incidental vegetation from forest lands (e.g., berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources).

Functions and Values – See SMC 18.13.010 – Definitions.

Gangway – A walkway that connects a pier to a dock, ~~r,~~ 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.)~~.

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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.

Groin – A barrier-type structure extending from the backshore or stream bank into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its up drift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

Ground Water – Water in a saturated zone or stratum beneath the surface of land or a surface water body.

Groundcover – See SMC 18.13.010 – Definitions.

Habitat – The place or type of site where a plant or animal naturally or normally lives and grows.

Hazard Tree – See SMC 18.13.010 – Definitions.

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.

Historic Site – Those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places, or any locally developed historic register formally adopted by the City Council.

Horticulture or **Horticultural Purposes** – The cultivation of a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables or ornamental plants.

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Hydroelectric Facilities – Facilities, uses, or structures and associated infrastructure having electrical generation using the energy of water as their primary purpose. Facilities typically include, but are not limited to: dams; spillways; electrical lines and poles; powerhouses; electrical substations; roads for access and maintenance; debris or navigational booms; buoys; fish collection, diversion, and exclusion structures and nets; and public safety infrastructure such as signs.

Hyporheic Zone – An area under or beside a stream channel or floodplain that contributes water to the stream and performs ecological functions (e.g., removing excessive nutrients and toxic compounds, water storage, support of vegetation, sediment storage, maintenance of base flows, etc.).

Impervious Surface Coverage – Any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas and excluding landscaping and surface water retention/detention facilities.

Industrial Use – A use involving the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process. Water-oriented industrial uses include port areas that ship and receive products along the water and adjacent upland uses which benefit from proximity to the water.

Institutional Use – A use and/or related structure(s) for the provision of educational, medical, cultural, public safety, social and/or governmental services to the community (e.g., cemeteries, schools, colleges, museums, community centers, etc.).

Instream Structure – A structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. Instream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. Overwater structures as defined herein and stormwater and wastewater outfalls are not instream structures.

Jetty – A structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

Joint-Use Moorage – A moorage constructed and utilized by more than one waterfront property owner, homeowner's association or other public or quasi-public agency. Joint-use moorage includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasi public recreation area.

If a joint-use moorage 1) is used for storing, berthing and securing more than 10 motorized boats or watercraft or 2) includes a swinging boom or davit-style hoist, then it is a marina.

Lake – See WAC 173-20-030 – Definitions and WAC 173-22-030 – Definitions. A body of standing water in a depression of land or expanded part of a river, including reservoirs, of area permanently inundated by water in excess of 2 meters deep and greater than 20 acres or greater in total area, in size measured at the OHWM. A lake is bounded by the OHWM or, where a stream enters a lake, the extension of the elevation of the lake's OHWM within the stream.

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Leisure Deck, Private – An overwater structure associated with a private, typically single-family residential, use of the shoreline. Private leisure decks are designed or intended for uses that are unnecessary for the moorage of a boat or watercraft (e.g., seating, cooking, viewing, storage, etc.).

Leisure Pier, Public – An overwater or nearshore structure that is 1) accessible to the public and 2) designed or intended for uses that are unnecessary for the moorage of a boat or watercraft (e.g., seating, pedestrian travel, viewing, etc.). Public leisure piers typically support view platforms, fishing and other water-dependent shoreline activities.

Livaboard Vessel – A licensed vessel used primarily as a residence; if the vessel is used as a means of transportation or recreation, those are secondary or subsidiary uses. Vessels shall be considered a residence if used for overnight accommodation for more than 15 nights in a 1-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes.

Marina – A private or public facility providing the purchase or lease of a slip for storing, berthing and securing more than 10 motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina (e.g., waste collection, boat sales or rental activities, retail establishments providing fuel service, repair or service of boat, etc.).

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

Mining – The removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses (WAC 173-26-241).

Minor Project Authorization – An approval generated by the Shoreline Administrator documenting a project's 1) exemption from the SSDP process pursuant to WAC 173-27-040 and 2) acknowledging the applicant's compliance with the SMP.

Mitigation – The process of avoiding, minimizing or compensating for adverse environmental impact(s) of a proposal on a critical area. The type(s) of mitigation required is dependent on the mitigation sequence in SMP Section 4.3.

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.).

Monitoring – The collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

Moorage Facility – In-water, over-water, or nearshore structures used by a ship, boat, or other watercraft to secure the watercraft or keep it from floating away. These structures typically include, but are not limited to: piers and docks and portions thereof (such as ells, floats, and gangways); mooring buoys; boathouses; mooring piles; lifts or boat lifts; canopies; boat launch; launch/moorage rails or

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railways; jet ski floats; boat dry docks; and boat tie downs.

See also marina, joint-use moorage, single-user residential dock, boat launch, and mooring buoy.

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.](#)

Nonconforming Use – A shoreline use or development which was lawfully constructed or established prior to the effective date of the SMA or this SMP, or amendments thereto, but which does not now conform to the use and development standards contained in this SMP. A nonconforming use is also one which is listed as a conditional use in this SMP but which existed prior to the adoption of this SMP or any relevant amendments and for which a Shoreline Conditional Use Permit has not been obtained. For the purposes of this SMP, existing roads which do not meet the setback standards of this SMP (whether asphalt, gravel, or dirt) are considered nonconforming uses.

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.](#)

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.

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).~~

Overwater Structure – A structure or other construction located waterward of the OHWM or a structure or other construction erected on piling above the surface of the water, or upon a float.

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Overwater structures include many boating facilities (e.g., piers, docks, mooring buoys, etc.) as well as components related to those facilities (e.g., gangways, ell, floats, etc.)

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

Port – A center for waterborne commerce and traffic. This term is distinct from the Port of Skamania County which is a municipal corporation of the State of Washington.

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 Access – The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4). In the context of shoreline regulation, public access also includes the ability to view the water from adjacent locations.

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.

Public Use – To be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332- 30-106.

Qualified Professional – See SMC 18.13.010 – Definitions.

Reasonable Use – A legal concept articulated by federal and state courts in regulatory taking cases.

Recreational Uses – Public or private facilities meant for the enjoyment of the public and can include community or commercial facilities for recreational activities (e.g., hiking, fishing, photography, viewing, birdwatching, etc.) and more intensive uses (e.g., parks with sports facilities and other outdoor recreation areas).

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Residential Development – Development which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single-family development, multi-family development and the creation of new residential lots through land division.

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.

Review Activity- Those activities that would be subject to review by the City. This definition includes a) new or expanded shoreline developments, modifications, and uses, b) the subdivision and short subdivision of real property, c) application of pesticides, fertilizers and/or other chemicals, d) normal maintenance or repair of existing shoreline development, modifications, and uses, and e) other activities as specifically described in this SMP. This definition does not include activities occurring as an inherent result of an approved or nonconforming shoreline development, modification, and/or use (e.g. delivery and sales in commercial and industrial developments, eating and sleeping in residential developments, recreational activities on recreational lands, etc.).

Review Activity, Wetland – [Those activities identified in WAC 173-26-221\(2.c.i.A\) \(i.e., the dumping, discharging or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater; the draining, flooding, or disturbing of the water level, duration of inundation, or water table; the driving of pilings; the placing of obstructions; the construction, reconstruction, demolition, or expansion of any structure; significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; other uses or developments that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or activities reducing the functions of buffers described in WAC 173-26-221\(2.c.i.D\)\).](#)

Riparian – Of, on, or pertaining to the banks of a river, stream or lake.

Riprap – A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

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.](#)

Runoff – Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Salmonid –A member of the fish family Salmonidae (e.g., chinook, Coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; native char [bull trout and Dolly Varden], etc.).

Sediment – The fine grained material deposited by water or wind.

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Setback – A required distance separating shoreline uses, developments, or activities from the shoreline measured horizontally upland from and perpendicular to the OHWM. Setbacks help assure that development is located a safe distance from bluffs, river banks, and other natural features, including buffers.

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 Administrator or **Administrator** – The person appointed by the Mayor or the Mayor’s designee to administer the provisions this SMP.

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 Jurisdiction – All of the geographic areas covered by the SMA, related rules, and this SMP. Also, such areas within a specified local government’s authority under the SMA.

Shoreline Permit – A shoreline substantial development, shoreline conditional use, or shoreline variance permit or any combination or revision thereof.

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 includinge 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.

Soft Shoreline Stabilization	Hard Shoreline Stabilization
Vegetation enhancement	Riprap and rock revetments
Upland drainage control	Gabions
Bioengineering/biotechnical measures	Groins
Beach enhancement	Retaining walls and bluff walls
Anchor trees	Bulkheads
Natural channel design methods	Seawalls

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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.

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.

Should – [See WAC 173-26-020 – Definitions.](#) A ~~strong preference;~~ a particular action is required unless there is a demonstrated, compelling reason, based on a policy of the SMA, [the Guidelines](#) and this SMP, against taking the action.

Significant Tree – See SMC 18.13.010 – Definitions.

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.

Single-Family Residence – A detached dwelling designed for and occupied by one family and including those structures and developments within a contiguous ownership which are ordinary appurtenances.

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.~~

Solid Waste – All garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

Steep Slope – Any slope 30 percent or steeper within a vertical elevation change of at least 10 feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

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

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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.

Terrestrial – Of or relating to land as distinct from air or water.

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.~~).

Unavoidable – Adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Understory – See SMC 18.13.010 – Definitions.

Upland – Generally described as the dry land area above and landward of the OHWM.

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 ~~equipment and agricultural facilities~~ activities, not aquaculture [RCW 90.58.065]). Upland finfish and upland finfish rearing facilities are not defined in the SMA or implementing WAC.

Use or Shoreline Use – The activities, functions, and/or structures for which a shoreline property is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For the purposes of this SMP, activities, functions, and structures may also be referred to as uses, developments, and/or modifications.

Utilities – Services and facilities that produce, convey, store, process or dispose of electric power, oil, gas, water, stormwater, sewage, waste, communications, and similar.

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.~~

Vegetation – See SMC 18.13.010 – Definitions.

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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.

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

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.

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Weir – A structure in a stream or river for measuring or regulating stream flow.

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.



Appendix A – Shoreline Environment Designation Map

A.1 Introduction

The “Stevenson Shoreline Environment Designation Map” contained is contained in SMP Section A.4, below and indicates the shoreline jurisdiction as it exists when this SMP is adopted. The City has elected to predesignate areas within the Stevenson Urban Area, and the shoreline environment designations (SEDs) of those areas will take effect immediately upon annexation.

A.2 Parallel Environments & Specific Interpretations

To address different conditions between the area immediately adjacent to the OHWM and upland areas closer to the shoreline jurisdiction boundary, this SMP selectively applies two or more SEDs to single stretches of shoreline. These Parallel Environments and other specific boundaries are described below.

A.2.1 Ashes Lake

1. Road Rights-of-Way – For all road rights-of-way (Ash Lake, Mallicott, SR-14, BNSF) within this reach, the Urban Conservancy SED applies. The Natural SED applies to all other shorelands in this reach.

A.2.2 Columbia River

1. BNSF Railroad, West Urban Area – For road rights-of-way (SR-14, BNSF) west of the centerline of Rock Creek, the Urban Conservancy SED applies. Where the Shoreline Residential designation applies it applies to lands southeast of that line.
2. BNSF Railroad, Downtown Area – For areas east of the centerline of Rock Creek, the Active Waterfront SED applies to all lands northwest of the railroad’s southeastern right-of-way line. Where the Shoreline Residential designation applies it applies to lands southeast of that line.
3. BNSF Railroad, East Urban Area, A – For all areas east of the centerline of Kanaka Creek, the Urban Conservancy SED applies, except as designated in 4, 5 and 6, below.
4. Peninsulas – For all peninsulas/outcroppings into the Columbia River from road rights-of-way, the Natural SED applies. This includes the peninsula formed along the Columbia River and the east bank of Kanaka Creek.
5. Private Parcel #03-75-36-3-0-0400, et. al.—For the private property(ies) located upland from the SR-14 road right-of-way in the East Urban Area, the Shoreline Residential SED applies.
6. Private Parcel #03-75-36-4-0-1803, et. al. – Beginning with parcel 03-75-36-4-0-1803 and continuing eastward, all private, non right-of-way properties along the Columbia River are predesignated as Shoreline Residential.

A.2.3 Rock Cove

1. Parcel #02-07-01-0-0-1300, 1303, 1304 – For these 3 parcels, the Active Waterfront SED applies. For shorelands outside of these 3 parcel boundaries and as designated in 2, below, the Urban Conservancy SED applies.
2. Peninsulas – For all peninsulas/outcroppings into Rock Cove from the SR-14 right-of-way, the Natural SED applies.

**City of Stevenson
Shoreline Master Program**

A.2.4 Rock Creek

1. Ryan Allen & BPA Rights-of-Way – For all areas within the rights-of-way for Ryan Allen Road and the BPA powerline, the Urban Conservancy SED applies.
2. Williams Northwest Pipeline – For parcels #03-07-35-1-4-0100 (County Transfer Site), #03-07-36-2-3-0100, and #03-07-36-2-3-0101, the Natural SED applies to all areas waterward of the south or waterward edge of the easement and/or right-of-way controlled by the utility for operation of the gas transmission pipeline. The Urban designation applies landward of that line.
3. Iman Cemetery – For Tax Parcel #03-07-36-2-3-0300 owned by the Skmania County Cemetery District, the Urban Conservancy SED applies.
4. Skamania County Parcel #03-07-36-2-3-0104 – The Natural SED applies to this entire strip of land along Rock Creek. The Shoreline Residential designation applies to the properties landward of this publicly-owned parcel.
5. Angel Heights Conservation Easement – The Natural SED applies to all areas within the conservation easement depicted on the plat of Angel Heights Subdivision-Phase 1, recorded at AFN 2005158873 and described in the easement recorded at AFN 2005158874. The Shoreline Residential designation applies to all areas landward of the area encumbered by that easement.

A.3 Parcel Guide

This SMP relies on the shoreline jurisdiction map and site-specific investigation to determine the location of shoreline jurisdiction and shoreline environment designations. The table below is intended as a tool to assist site-specific investigation; however, the usefulness of this tool will decline over time as 1) legal actions related to annexation, land division, consolidation, segregation, etc. change the boundaries of parcels and 2) natural actions change the location of the Ordinary High Water Mark (OHWM). Therefore, the listings below should not be considered definitive and are secondary to the maps and remaining text of this SMP.

ACTIVE WATERFRONT				
Parcels in 2018 Stevenson’s Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-0-0-1301	02-07-01-1-1-5600	02-07-01-2-0-0200	02-07-01-0-0-1500	03-07-36-2-3-0100
02-07-01-0-0-1302	02-07-01-1-1-5700	02-07-01-2-0-0600	02-07-11-0-0-0400	03-07-36-2-3-0101
02-07-01-0-0-1303	02-07-01-1-1-5800	02-07-01-2-0-1201	03-07-35-1-4-0100	03-75-36-3-3-0501
02-07-01-0-0-1304	02-07-01-1-1-6100	02-75-06-2-2-0100		
02-07-01-1-0-2000	02-07-01-1-1-6200	02-75-06-2-2-0500		
02-07-01-1-0-2001	02-07-01-1-1-6300	03-07-36-4-3-1901		
02-07-01-1-0-2600	02-07-01-1-1-6301	03-07-36-4-3-2300		
02-07-01-1-0-2700	02-07-01-1-1-6800	03-75-36-3-3-0501		
02-07-01-1-0-2800	02-07-01-1-1-6900	03-75-36-3-3-0600		
02-07-01-1-0-3000	02-07-01-1-1-7000	03-75-36-3-3-0700		
02-07-01-1-0-3700	02-07-01-1-1-7100			
02-07-01-1-1-5400	02-07-01-2-0-0100			
URBAN CONSERVANCY				
Parcels in 2018 Stevenson’s Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-0-0-1300	02-07-01-2-0-1001	02-07-02-4-1-0600	03-07-35-0-0-0200	
02-07-01-0-0-1301	02-07-01-2-0-1100	02-07-02-4-1-0601	03-75-36-3-0-1000	

**City of Stevenson
Shoreline Master Program**

URBAN CONSERVANCY, Continued				
Parcels in 2018 Stevenson's Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-2-0-0400	02-07-01-2-0-1200	02-07-02-4-1-0700	03-75-36-3-0-1090	
02-07-01-2-0-0402	02-07-01-2-0-1202	03-07-36-2-3-0300	03-75-36-4-0-1600	
02-07-01-2-0-0700	02-7-02-0-0-3100	03-75-36-3-0-1290	03-75-36-4-0-1900	
02-07-01-2-0-1000	02-07-02-4-1-0100	03-75-36-3-3-2000		
SHORELINE RESIDENTIAL				
Parcels in 2018 Stevenson's Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-1-0-3600	03-07-35-1-4-0700	03-07-36-3-3-0111	03-07-35-0-0-0200	03-75-36-4-0-1600
02-07-01-1-0-3601	03-07-35-1-4-0800	03-07-36-3-3-0112	03-07-35-1-4-0100	03-75-36-4-0-1800
02-07-01-1-1-7200	03-07-35-1-4-0900	03-07-36-3-3-0113	03-07-35-1-4-0400	03-75-36-4-0-1801
02-07-01-1-1-7201	03-07-35-4-4-0811	03-07-36-3-3-0114	03-07-35-1-4-0401	03-75-36-4-0-1802
02-07-01-1-1-7300	03-07-35-4-4-0812	03-07-36-3-3-0115	03-07-35-1-4-0403	03-75-36-4-0-1803
02-07-01-1-1-7302	03-07-36-2-3-0200	03-07-36-3-3-0116	03-75-36-3-0-0400	
02-07-01-1-1-7303	03-07-36-2-3-0400	03-07-36-4-3-1900		
03-07-35-0-0-0204	03-07-36-2-3-0405	03-07-36-4-3-1901		
03-07-35-1-4-0500	03-07-36-2-3-0408			
03-07-35-1-4-0600	03-07-36-2-3-0600			
NATURAL				
Parcels in 2018 Stevenson's Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-0-0-1301	03-07-36-3-3-0116		02-07-01-0-0-1500	03-07-36-2-3-0101
03-07-36-2-3-0101	03-07-36-3-3-0117		02-07-02-0-0-4600	03-07-36-2-3-0103
03-07-36-2-3-0104	03-07-36-3-3-0118		02-07-02-0-0-4700	03-07-36-3-3-0113
03-07-36-3-3-0111	03-07-36-3-3-0119		02-07-11-0-0-0400	03-07-36-3-3-0114
03-07-36-3-3-0112	03-07-36-3-3-0120		02-07-11-0-0-0800	03-07-36-3-3-0115
03-07-36-3-3-0113	03-07-36-3-3-0121		02-07-11-0-0-0900	03-07-36-4-3-0180
03-07-36-3-3-0114	03-07-36-3-3-0199		02-07-11-0-0-0901	03-07-36-4-3-0181
03-07-36-3-3-0115	03-07-36-4-3-0180		03-07-36-1-3-1100	03-75-36-3-0-0900
			03-07-36-1-3-1101	03-75-36-3-3-0500
			03-07-36-2-3-0100	
AQUATIC				
Parcels in 2018 Stevenson's Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-0-0-1300	02-07-01-1-1-6900	03-07-35-4-4-0812	02-07-01-0-0-1301	03-07-36-3-3-0119
02-07-01-0-0-1301	02-07-01-1-1-7000	03-07-36-2-3-0102	02-07-01-0-0-1500	03-07-36-3-3-0120
02-07-01-0-0-1302	02-07-01-1-1-7100	03-07-36-2-3-0104	02-07-01-1-0-2700	03-07-36-4-3-0180
02-07-01-0-0-1303	02-07-01-1-1-7200	03-07-36-2-3-0200	02-07-01-1-0-2701	03-07-36-4-3-1900
02-07-01-0-0-1304	02-07-01-1-1-7201	03-07-36-3-3-0112	02-07-01-1-0-2801	03-75-36-3-0-0900
02-07-01-1-0-2700	02-07-01-1-1-7300	03-07-36-3-3-0113	02-07-01-1-0-3600	03-75-36-3-0-1000
02-07-01-1-0-2701	02-07-01-1-1-7302	03-07-36-3-3-0114	02-07-11-1-0-0400	03-75-36-3-0-1090
02-07-01-1-0-2800	02-07-01-1-1-7303	03-07-36-3-3-0115	02-75-06-2-2-0500	03-75-36-3-0-1100
02-07-01-1-0-2801	02-07-01-2-0-0100	03-07-36-3-3-0116	02-75-06-2-2-0600	03-75-36-3-3-0500
02-07-01-1-0-3000	02-07-01-2-0-0200	03-07-36-3-3-0117	03-07-35-0-0-0200	03-75-36-3-3-0501
02-07-01-1-0-3600	02-07-01-2-0-0600	03-07-36-3-3-0118	03-07-35-1-4-0100	03-75-36-4-0-1600

**City of Stevenson
Shoreline Master Program**

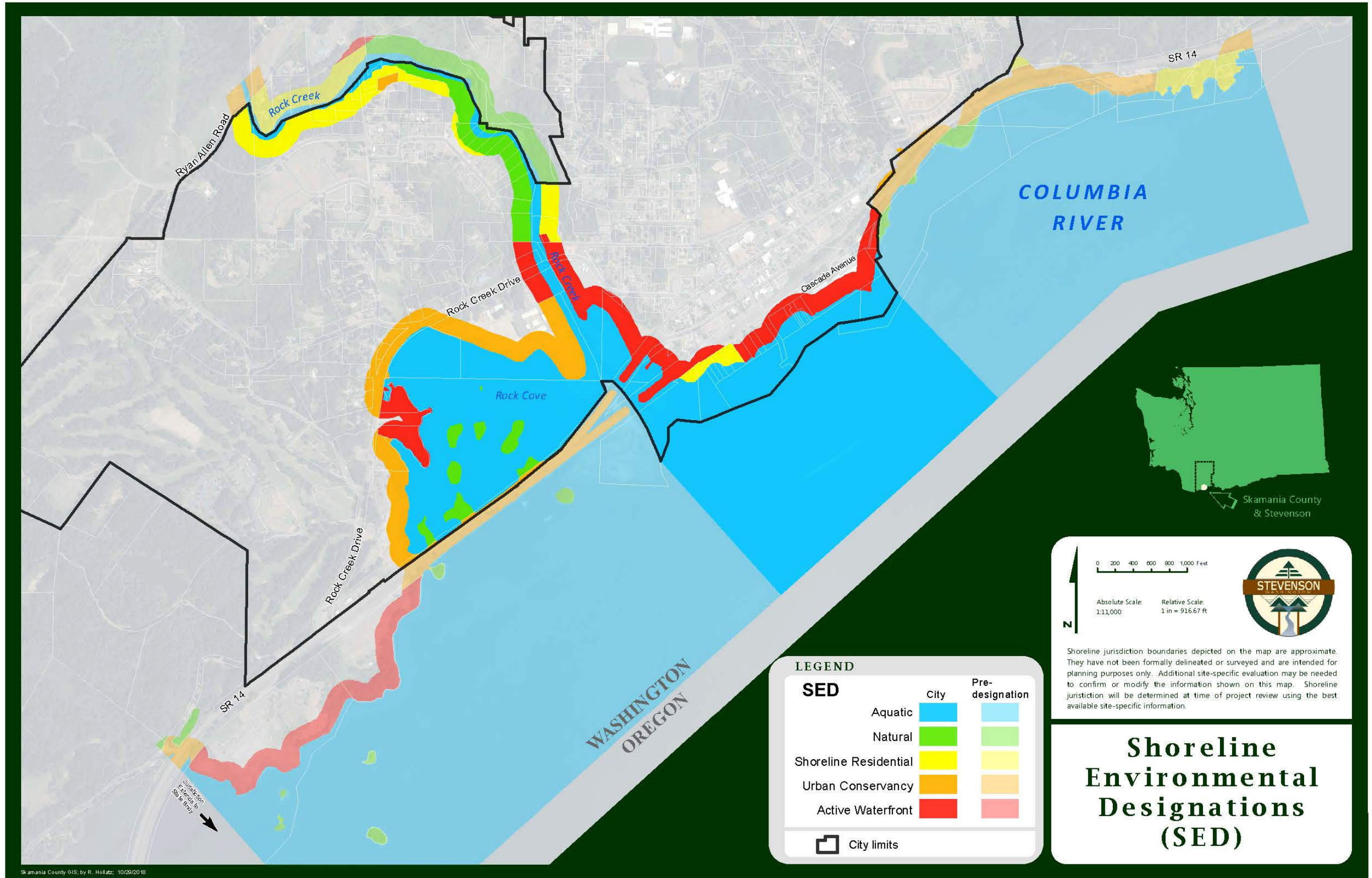
AQUATIC, Continued				
Parcels in 2018 Stevenson's Shoreline Jurisdiction			Pre-Designation Parcels	
02-07-01-1-0-3601	02-07-01-2-0-1200	03-07-36-3-3-0119	03-07-35-1-4-0400	03-75-36-4-0-1700
02-07-01-1-0-3700	02-07-01-2-0-1201	03-07-36-3-3-0120	03-07-35-1-4-0401	03-75-36-4-0-1800
02-07-01-1-0-3800	02-07-01-2-0-1202	03-07-36-3-3-0121	03-07-35-1-4-0403	03-75-36-4-0-1801
02-07-01-1-1-5400	02-75-06-2-2-0100	03-07-36-3-3-0199	03-07-36-2-3-0101	03-75-36-4-0-1802
02-07-01-1-1-5800	02-75-06-2-2-0500	03-07-36-4-3-0180	03-07-36-3-3-0115	03-75-36-4-0-1803
02-07-01-1-1-6100	02-75-06-2-2-0600	03-07-36-4-3-1900	03-07-36-3-3-0116	03-75-36-4-0-1900
02-07-01-1-1-6200	03-07-35-0-0-0204	03-07-36-4-3-1901	03-07-36-3-3-0117	03-75-36-4-0-2000
02-07-01-1-1-6300	03-07-35-1-4-0500	03-75-36-3-3-0500	03-07-36-3-3-0118	
02-07-01-1-1-6301	03-07-35-1-4-0600	03-75-36-3-3-0501		
02-07-01-1-1-6800	03-07-35-1-4-0900			

A.4 Stevenson Shoreline Environment Designation Map

The Shoreline Environment Designation Map appears on the following 11x17" page.

A.5 Boundary Interpretation

1. If disagreement develops as to the exact location of the boundary line of a Shoreline Environment Designation (SED) that is shown on the map in Appendix A, the following rules shall apply:
 - a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
 - b. Boundaries indicated as approximately following streets, alleys, or railways shall be respectively construed to follow the right-of-way centerlines.
 - c. Boundaries indicated as approximately parallel to or extensions of features indicated in a) or b) above shall be so construed.
2. Whenever existing physical features (including stream centerlines) are inconsistent with the boundaries on the Shoreline Environment Designation Map, the Shoreline Administrator shall interpret the boundaries with deference to actual conditions.
3. In the event of a mapping error, the City will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.
4. Where a SED boundary line divides a lot in single ownership at the effective date of this SMP and any amendment thereto, the use permitted on the least restrictive portion of such lot may extend to the portion lying in the more restrictive SED a distance of not more than 50 feet beyond the ~~district-SED~~ boundary line.
5. If disagreement remains after applying the preceding rules, the City shall interpret the boundary during review of the underlying application.
6. If an area is found to be within shoreline jurisdiction that is not mapped and/or designated in this SMP, the City shall apply the "Urban Conservancy" designation as it is written in WAC 173-26-211(5)(e) until re-designated through a master program amendment process.



LEGEND

SED	City	Pre-designation
Aquatic		
Natural		
Shoreline Residential		
Urban Conservancy		
Active Waterfront		
		City limits

0 200 400 800 1,000 Feet

Absolute Scale: 1:11,000 Relative Scale: 1 in = 916.67 ft

STEVENSON

Shoreline jurisdiction boundaries depicted on the map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or modify the information shown on this map. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information.

Shoreline Environmental Designations (SED)

Skamania County GIS, by R. Hollatz, 10/29/2018



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 2018~~ are recorded in Table A.1 – SMP Amendment Log.

TABLE A.1 – SMP AMENDMENT LOG						
Change Number	Old Page	New Page	Subject	Adopting Ordinance	Date	Entered By

City of Stevenson
Shoreline Master Program

B.2 Ecology Approval Letters

The effective date of the Stevenson Shoreline Master Program is dependent on approval by the Department of Ecology. Table A.2 is provided to catalogue ~~the~~ each letter the City receives as notification of approval. This table will be amended by staff action when approval is obtained, and each letter will be added to this appendix at that time.

TABLE A.2 – ECOLOGY APPROVAL LETTERS			
Change Number	Approval Letter Date	Effective Date	Notes





Stevenson Planning Department
PO Box 371
Stevenson, WA 98648
www.ci.stevenson.wa.us



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 21, 2022

The Honorable Scott Anderson
Stevenson City Hall
7121 East Loop Road
Stevenson, WA 98648

**Re: City of Stevenson Shoreline Master Program Comprehensive Update and
Periodic Review – Conditional Approval**

Dear Mayor Anderson:

I would like to take this opportunity to commend City of Stevenson (City) for its efforts in preparing the proposed comprehensive Shoreline Master Program (SMP) update and additional efforts to include the required SMP periodic review. It is obvious that a significant effort was invested in this update and the SMP will provide a framework to guide development and environmental protection along the City's shorelines into the future.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These required changes are detailed in Attachment B. Additional recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090(2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur after the City responds to Ecology communicating the acceptance of our required changes and the City's decision on the recommended changes. Ecology's final approval will be in the form of a letter, and will be sent upon receipt of the City's written notification that the proposed changes are acceptable to the City, or after the City and Ecology have reached an agreement on alternative language that meets the statutory and Guidelines requirements.

The Honorable Scott Anderson
January 21, 2022
Page 2

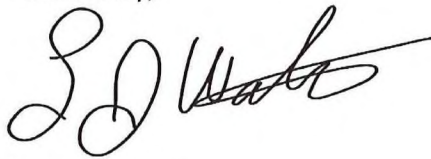
Please provide your response within 30 days to the Director at laura.watson@ecy.wa.gov.

Ecology appreciates the dedicated work that the City Council, the Planning Commission, the Shoreline Advisory Committee, City Planning Director, and the community have put into the Shoreline Master Program Comprehensive Update and Periodic Review over the past many years.

Thank you again for your efforts to continue to improve the City's SMP. We look forward to receiving your written response and concluding this SMP update process in the near future.

If you have any questions, or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Michelle McConnell, at Michelle.McConnell@ecy.wa.gov or (360) 407-6349.

Yours truly,

A handwritten signature in black ink, appearing to read 'L. Watson', written in a cursive style.

Laura Watson
Director

Enclosures

cc: Ben Shumaker, City of Stevenson
Perry Lund, Ecology
Michelle McConnell, Ecology

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED COMPREHENSIVE UPDATE & PERIODIC REVIEW OF THE CITY OF STEVENSON SHORELINE MASTER PROGRAM

SMP Submittal accepted February 14, 2019, Resolution No. 2018-322
Prepared by Michelle McConnell, January 11, 2022

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INTRODUCTION

The Department of Ecology (Ecology) Findings and Conclusions (presented herein as **Attachment A**), including reference to **Attachment B** (Required Changes) and **Attachment C** (Recommended Changes), provide the factual basis for the Department of Ecology’s decision on the City of Stevenson (City) Shoreline Master Program comprehensive update and periodic review. A summary of comments received during Ecology’s public comment period, as well as City responses are provided in **Attachment D** (Responsiveness Summary).

Description of Proposed Amendment

The City submitted to Ecology for review, an updated Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) at RCW 90.58 and the SMP-Guidelines (Guidelines) at Part III of WAC 173-26. The updated SMP provides locally tailored shoreline management policies,

environment designations, regulations, and administrative provisions to manage shoreline development throughout the City's shoreline areas. The City's shorelines consist of the Columbia River, Rock Creek, and Rock Cove. Additional reports, and supporting information and analyses as noted throughout this document, were considered by Ecology during review of the City's submittal.

This updated SMP is intended to meet the comprehensive update requirement of the SMA at RCW 90.58.080(1) and (2), and the periodic review requirements of RCW 90.58.080(4). This action combines the final review of both the past due comprehensive SMP update and the periodic review.

The comprehensive update is intended to ensure the SMP manages shorelines of the state consistent with the required elements of the SMP Guidelines adopted by Ecology (effective January 2004), as amended. The periodic review is intended to bring the City's SMP into compliance with the SMA or implementing state rules that have been added or changed, to ensure that the SMP remains consistent with amended comprehensive plans and regulations, and incorporation of any revisions deemed necessary to reflect changes in local circumstances, new information, or improved data.

Need for the Amendment

The City currently manages shorelines under an SMP originally adopted and approved in 1974 as a regional Skamania County Shoreline Management Master Program jointly established between the County, the City of North Bonneville, and the City of Stevenson. The City's SMP comprehensive update began in 2012 and was not completed within the update schedule identified in the Shoreline Management Act at RCW 98.58.080((2)(a)(iv)). The original deadline for completion of the City's comprehensive SMP update was December 1, 2012. Further, RCW 90.58.080(4)(b)(iii) requires the City to complete a periodic review of their SMP on or before June 30, 2021. Therefore, the proposed amendment is needed to comply with the statutory requirement for a comprehensive update and periodic review of the City's SMP. The update is also intended to ensure that the City's SMP is consistent with the SMP Guidelines at WAC 173-26 and remains consistent with related land use management policies provided by the City's Comprehensive Plan. The record submitted by the City to Ecology as part of the SMP update and periodic review, including Resolution No. 2018-322, reports, analyses and local approval materials, provides additional details to describe the jurisdiction's specific need for the proposed amendment.

SMP provisions to be changed by the amendment as proposed

The proposed SMP would entirely replace the City's existing master program, including policies, regulations, the shoreline environment designations and maps, and the administrative provisions that manage appropriate shoreline uses, public access, and protection and restoration of natural shoreline resources. The updated SMP establishes shoreline setbacks based on environment designation and type of use/development, regulates critical areas within shoreline jurisdiction by adopting the City's Critical Areas and Natural Resource Lands Ordinance (Stevenson Municipal Code [SMC] Chapter 18.13, 'CAO') by reference (with exclusions/modifications), and includes mitigation requirements for unavoidable impacts.

FINDINGS OF FACT

Amendment History

The City's original SMP was adopted in 1974. The City's comprehensive SMP update process began in 2012, and the local process to approve a combined comprehensive update and periodic review amendment was completed on December 18, 2018. Ecology accepted the SMP Amendment submittal as complete on February 14, 2019.

The City of Stevenson is located in southern Skamania County along the Columbia River, just upstream of the Bonneville Dam, and is within the Columbia River Gorge National Scenic Area (NSA). The updated master program will regulate some 5.5 miles of freshwater shorelines inside City limits along Rock Creek and Rock Cove, and the Columbia River, a shoreline of statewide significance, including related upland areas and associated wetlands.

In accordance with RCW 90.58.130 the City made reasonable efforts to inform, involve and encourage participation of interested persons and private entities, Tribes, and applicable agencies having interests and responsibilities relating to shorelines. An important element of the City's public outreach and engagement was the maintenance of an external SMP update project [website](#)¹.

Local Review Process

Overall Timeline – Despite challenges, the City has been diligent in moving the project forward:

- 2012** The City initiated the local planning process in January by entering into a grant agreement with Ecology (#G1000044). The City began early public involvement and technical work for the comprehensive update.
- 2015** The grant ended in June but work was not completed within the update schedule identified in the Shoreline Management Act in RCW 98.58.080.
- 2016 – 2017** The City's efforts continued after the grant to engage the public, coordinate with the Skamania County SMP comprehensive update, and further refine draft materials.
- 2018** Planning Commission public review of draft documents was held February – April, with deliberations and further revisions through the summer and fall. With local approval pending, and given the outstanding comprehensive update and an approaching 2021 periodic review deadline, the City and Ecology agreed to shift the SMP effort to a combined comprehensive update and periodic review process. A Periodic Review Checklist was prepared showing additional revisions made to the SMP prior to local approval. City Council public review of draft documents was held October – December, including a public hearing. Email noticing sent to interested parties, the staff report for Council, and the SMP approval Resolution all identified the proposal as a combined comprehensive update and periodic review.
- 2019** City provided the combined comprehensive update and periodic review SMP submittal package to Ecology in January.
- 2020** During the extended State review process, in order to support the City's anticipated involvement in completing final local adoption of the combined comprehensive update and periodic review, the City entered into another grant agreement with Ecology (#SEASMP-1921-StevPW-00116) in December.

¹ <https://www.ci.stevenson.wa.us/planning/project/shoreline-masters-program>

Local Process Timeline Delays - Overall, the local process suffered some delays in progress due to lack of funds between grants, staffing constraints of a one-person Planning Department, the City's intent to coordinate with the County's SMP Update process (2015 - 2020), and the City's 2018 Critical Areas Ordinance Update.

Public Involvement - The record shows that public outreach and engagement began early and was continuous throughout the process. The general timeline below with key highlights outlines the local process:

- **Public Participation Plan** – A draft was prepared in May 2012 and finalized in February 2015;
- **Shoreline Advisory Committee (SAC)** – In February 2013 the City solicited committee membership by sending invitations and a brief 'interest' survey to some 90 urban area, shoreline, and floodplain stakeholders. City Council appointed 13 members to the SAC in March 2013. In January 2014, the City sent SAC members a shoreline inventory survey to identify sources of scientific/technical information and prioritize issues of concern. From 2014 to 2018, SAC members met with the Planning Commission as workshop sessions during regular business meetings to discuss iterative draft documents and key shoreline issues;
- **Google 3D Modeling** – To help stakeholders and the public better understand and participate in the SMP update process, the City hired a design consultant who prepared a collection of 59 digital images of existing shoreline commercial, public and other important buildings/structures (see image at right). Created using the SketchUp 3D Modeling tool from Trimble, the final images were integrated into Google Earth in 2014 to supplement the basic mapping of that platform at the local scale. The SMP (2.4.2(2.h)) includes a shoreline variance application requirement to provide 3D modelling of a new use/development proposed adjacent to any existing 3D modelled structure as better visual context to aid project review;
- **Webpage** – The City created an SMP Update page in 2015 to provide information about the iterative phases of the update process, related draft documents, and public meeting/event announcements;
- **Public outreach** methods included direct mailings to more than 60 shoreline property owners, messages to the 80+ member email list, posting on the City website, posters at key locations around town, and publication in the *Skamania County Pioneer* newspaper;
- **Affected Tribes** were on distribution lists including cultural and natural resources/fisheries staff from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Yakama Nation, and Confederated Tribes of the Warm Springs Reservation; Umatilla staff submitted comments in April and November 2018, and the City incorporated the suggested edits prior to local approval;
- **Planning Commission** – The City Planning Commission and SAC served as the primary sounding board for review and discussion of draft documents and public input, including the following:
 - February 9, 2015 – Project kick-off public open house during a regular business meeting, including a slideshow presentation about the SMP Update;



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- June 8, 2015 – Waterfront Visioning Workshop, including slideshow presentation and break-out group discussions to gather public input on use, improvements and protection of local shoreline areas; a Community Vision Workshop Summary was prepared with findings organized by waterbody and various types of use/development activities;
- August to December 2017 – Planning Commission and SAC met five (5) times to review various draft components and iterations of SMC 18.08 and the SMP;
- February 21 – April 22, 2018 – Planning Commission conducted a two-month comment period on the “Public Release Draft” SMP and related technical background documents (Inventory and Characterization Report, Restoration Plan, and Cumulative Impacts Analysis & No Net Loss Report), including an April 9, 2018 public listening session and open house with slideshow presentation and poster displays; Public notice of the comment period was published eight (8) times in the *Skamania County Pioneer*; Eighteen (18) comment were received;
- May - December 2018 – Planning Commission and SAC considered the public input received and made further revisions to the draft SMP during regular business meetings;
- December 10, 2018 – The Planning Commission and SAC considered the final draft SMP materials, made final edits, then passed a recommendation for approval to City Council.
- **City Council** – The Council was briefed on project status along the way, during regular business meetings from 2012 – 2018;
 - October 17, 2018 – City staff issued a Determination of Nonsignificance (DNS) as Lead Agency, including a published legal notice inviting comment;
 - October 17 – December 17, 2018 – City Council conducted a two-month comment period on the final “SEPA Review Draft” SMP and related technical background documents; written comments were received from the WA Department of Archaeology & Historic Preservation (DAHP), and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR);
 - City Council held a public hearing on November 15, 2018 on the proposed SMP comprehensive update and periodic review; Notice of the hearing was published October 31 and November 7, 2018 in the *Skamania County Pioneer*; No verbal testimony was provided.

On December 20, 2018, City Council considered the Planning Commission recommended SMP and related documents, public comments received, a finalized Cumulative Impacts Analysis & No Net Loss Report (CIA-NNL) and made some minor changes to the SMP before adopting Resolution No. 2018-322 by unanimous vote, approving the City’s comprehensive update and periodic review SMP amendment to be submitted to Ecology for final review and approval.

Consistency Review

The proposed comprehensive update and periodic review amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the SMP Guidelines at WAC 173-26. Below are some highlighted features of the submittal package:

Inventory and Characterization (WAC 173-26-201)

Documentation of current shoreline conditions is a key part of the SMP update process and meeting the requirement to address the no net loss standard of the SMP Guidelines (WAC 173-26-186). The City prepared a First Draft Inventory and Characterization Report (ICR) in June 2015, with a portfolio of fifteen (15) maps prepared by Skamania County GIS staff under an Interlocal Agreement. The City then procured the assistance of a consultant that prepared the Second Draft ICR (October 2017),

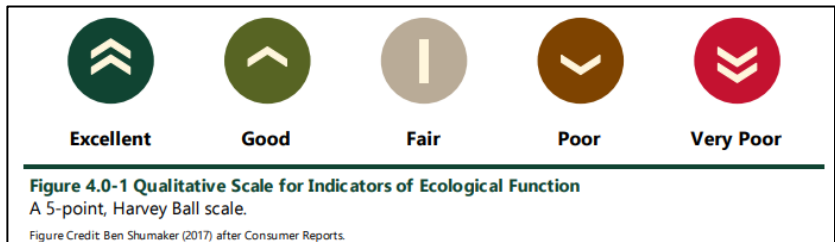
Public Release Draft (February 2018) and SEPA Review Draft (October 2018) versions, which preceded the final *City of Stevenson Inventory and Characterization Report* (December 2018).

The City’s ICR provides description of broad ecosystem-wide processes such as geology, climate, and hydrology, and assesses shoreline ecological functions of water quality, water quantity, and habitat at a landscape-scale. The ICR also divides the study area into seven (7) segments or ‘reaches’ along Ashes Lake, Columbia River, Rock Cove, and Rock Creek. Three reaches - Columbia River Reach 2 – Downtown Waterfront, Rock Creek Reach 1, and the Rock Cove Reach - are located in City limits while the other reaches are in the City’s Urban Areas (designated under the Columbia Gorge National Scenic Area).

The physical and biological conditions are assessed based on key indicators of:

- Available floodplain area
- Riparian vegetation
- Soil stability
- Fish blocking culverts
- Permanently protected areas
- Priority habitats & species
- Wetland acreage
- 303(d) listings
- Impervious surface area
- Overwater roads & structures
- Existing setbacks to OHWM
- Stormwater runoff

Current shoreline conditions are characterized for each reach using a methodology that includes graphic icons to represent a qualitative scale of ecological functions (see Figure 4.0-1 at the right).



Each reach has a summary of ecological functions matrix, including a consolidated overall ‘score’ that utilizes the indicator icons (see 4.4.1 for Rock Creek 1, below).

4.4.1 Summary of Ecological Functions

		Indicators of Ecological Functions—RC1										Overall	
		Physical Environment			Biological Environment				Altered Conditions				
		Available Floodplain Area	Riparian Vegetation	Shoreline Stability	Fish-Blocking Culverts	Permanently Protected Areas	PHS Listings	Wetland Acreage	303(d) Listings	Impervious Surface Area	Overwater Roads & Structures	Setbacks to OHWM	Urban Runoff
Water Quality	Sediment Transport	Good	Excellent	Very Poor	Fair	Good		Fair	Poor	Poor		Very Poor	Poor
	Nutrient & Toxic Filtration	Poor	Good			Good		Fair	Poor	Poor		Good	Very Poor
	Temperature Regulation		Good			Good	Fair		Poor			Good	Very Poor
Water Quantity	Water Storage & Flow Regulation	Poor	Good		Fair			Fair		Poor	Very Poor	Very Poor	Very Poor
Habitat	Input of Organics & LWM	Poor	Good	Very Poor		Good	Fair			Poor			
	Connectivity to Suitable Habitat		Good	Very Poor	Fair	Good	Fair	Fair		Poor	Very Poor	Good	Fair

Channel Migration Zones - The reach-scale characterization recognizes a Planning Level Channel Migration Zone (pCMZ) along the Columbia River, established by a May 2016 technical memo provided by Ecology titled “Channel Migration Zone analysis of SMA streams in Skamania County”. The methodology of this coarse analysis differs from the more detailed approach defined in *A Framework for Delineating CMZs* (Ecology Publication #03-06-027) and for the Columbia River, the pCMZ was based on the existing FEMA 100-year flood zone delineation. Given the limitations of utilizing FEMA Q3 data in GIS projections, the Ecology technical memo notes that the pCMZs are both imprecise and advisory, and that site-specific delineations may be needed for project-level decisions. Updated FEMA Flood Insurance Study maps and information may provide more accurate analysis.

Bonneville Dam – The ICR describes the physical and legal influences of the Bonneville Dam, located just downstream of the City. The last of 18 dams on the main stem Columbia and Snake Rivers, the Dam regulates flow, creating water level fluctuations of more than 12-feet and an impoundment or reservoir area called the Bonneville Pool where the City is located. Previously known as Stevenson Lake and the Hegewald Mill Pond, the 75-acre Rock Cove is only 10 – 15 feet deep and was created by the Pool’s inundation of an adjacent lowland area formerly used for pasture and agriculture, at the confluence of Rock Creek and the Columbia River (see Figure 4.6-1, below).



Flowage Easements - There are also many flowage easements that overlap shoreline jurisdiction. These easements were established from 1936 – 1980 between individual property owners and the federal government to allow the Corps of Engineers access for Dam operations and maintenance. Depending on the specifics of each agreement, some easements were purchased, others were taken by court-sanctioned declarations, some retain full property rights simply allowing access, and others prohibit any fill or structures. The easements have also proven effective for minimizing flood damage losses. The City contracted Skamania County GIS to create digital mapping of some 70 such easements based on legal descriptions, deed line calls, and other Auditor records, and then developing elevation contours from LiDAR and DEM for a final polygon layer for each property.

Land Use Analysis - The ICR also provides a land use analysis of public/private land ownership and future anticipated land use based on zoning, SMA preferred & water-dependent activities, and potential use conflicts. Finally, the ICR provides shoreline environment designation (SED) recommendations based on the current conditions documents. Within the City, ownership is split as 54% private and 46% public (see Map 11 clip at right; yellow indicates public ownership). A portfolio of nineteen (19) maps, with related technical information, depicts features of the physical environment, biological resources, land use & altered conditions, public access, and restoration opportunities.



The City's ICR and companion map portfolio provide watershed and reach-level analyses of existing shoreline environmental and land use conditions in shoreline jurisdiction. Reaches are delineated based on waterbody and location inside/outside City limits.

Finding: Ecology finds that the Inventory & Characterization Report adequately inventoried and analyzed the current conditions of the shorelines located in City of Stevenson. The report synthesized existing information and was used to inform the master program provisions as well as provide a basis for future protection and restoration opportunities in City shoreline jurisdiction (WAC 173-26-201(3)(c) and (d)(1)).

Shoreline Jurisdiction and Shoreline Environment Designations (WAC 173-26-211)

The minimum extent of shoreline jurisdiction is defined in RCW 90.58.030(2) and SMP Chapter 1.3 establishes the Shoreline jurisdiction within the City of Stevenson as follows:

- a. Columbia River, a shoreline of statewide significance;
- b. Rock Cove;
- c. Rock Creek;
- d. Associated wetlands; and
- e. Floodways and contiguous floodplain areas landward 200 feet from such floodways;

These areas are described in Appendix A Shoreline Environment Designation Map, which also includes a list of parcels fully or partially in shoreline jurisdiction, descriptions of parallel environments, waterbody-specific interpretations, and criteria to clarify boundary interpretations.

The City chose not to extend shoreline jurisdiction to include optional areas of 100-year floodplain or buffers for critical areas beyond 200 feet; critical areas located outside of shoreline jurisdiction are and will continue to be regulated by the City's critical areas ordinance (SMC 18.13).

Local governments are required to classify shoreline areas into shoreline environment designations (SEDs) based on the existing use pattern, biological and physical character of the shoreline, and the goals and aspirations of the community as expressed in their comprehensive plan. The Inventory and

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Characterization Report is used to determine the relative degree of impairment and biophysical capabilities and limitations for individual shoreline reaches. Based on this assessment, along with consideration of anticipated future development, zoning and other regulatory overlays, local jurisdictions may apply the designation criteria provided in WAC 173-26-211 or develop their own tailored designation criteria.

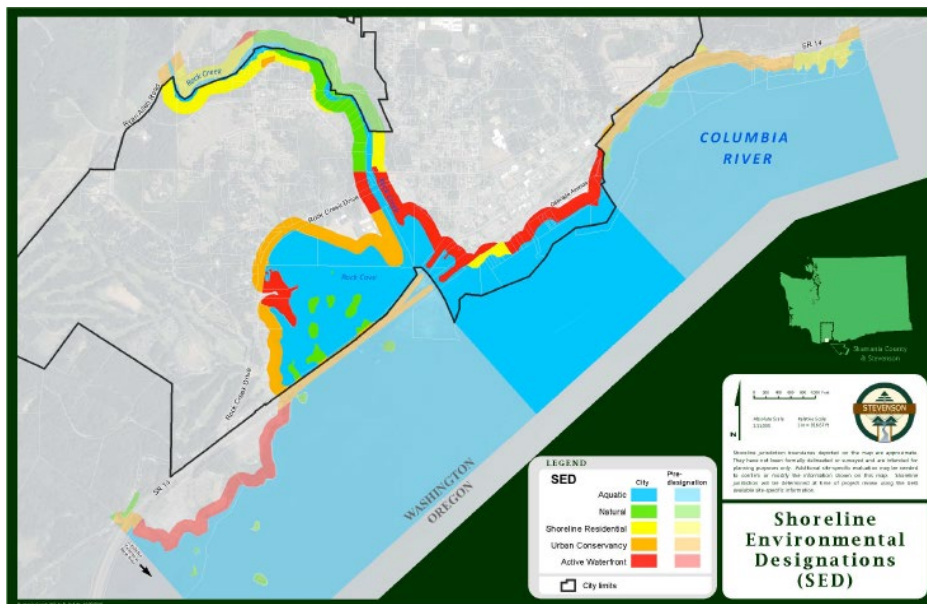
The updated SMP proposes to establish five (5) SEDs: Aquatic; Natural; Urban Conservancy; Shoreline Residential; and Active Waterfront. The City relies on the designation criteria established by WAC 173-26-211 with one exception of local tailoring to rename High Intensity as Active Waterfront. Distribution across the SEDs reflects the existing use pattern of most city shorelines being already developed with residential and commercial/industrial uses:

- 17% Natural;
- 29% Urban Conservancy;
- 18% Shoreline Residential;
- 35% Active Waterfront

Consistent with WAC 173-26-211(4)(a)(iv)(A), the City’s SMP 5.3 Shoreline Use Table, Table 5-1 Shoreline Use & Setback Standards identifies the different types of shoreline activities that are permitted, conditionally permitted, and prohibited in each shoreline environment, and the required setback distance. While not fully-planning under the Growth Management Act (RCW 36.70A; ‘GMA’), the City did opt to predesignate shoreline reaches located in its NSA Urban Area boundary and SMP 1.3.2 notes the SMP will not apply to these predesignated areas until annexed into the City per WAC 173-26-150 and -160.

SMP Chapter 3 Shoreline Environment Designation Provisions describes the purpose, designation criteria, and management policies for each as follows: SMP 3.2.1 Aquatic; SMP 3.2.2 Natural; SMP 3.2.3 Shoreline Residential; SMP 3.2.4 Urban Conservancy; and SMP 3.2.5 Active Waterfront. As shown in the Appendix A SED Map below, the following features are depicted:

- approximate 200-foot upland extent of shoreline jurisdiction;
- assigned SEDs both inside City limits and in predesignated areas; and
- waterward extent of jurisdiction to the State boundary located mid-channel in the Columbia River, as provided by RCW 35.21.160.



The mapped designations, illustrated in SMP Appendix A Shoreline Environment Designation Map, are based upon and implement the designation criteria provided in SMP Chapter 3. In collaboration with City staff, Ecology identified recommended changes to SMP 1.3.2, 1.3.3, and Appendix A.5(4) to clarify jurisdiction and SED language (see Attachment C, Items #10 and 32).

Finding: *Ecology finds that the City SMP defines shoreline jurisdiction consistent with the Act and the record sufficiently documents the basis for assigning shoreline environment designations. The City's shorelines are adequately identified in SMP Section 1.3 Shoreline Jurisdiction, and mapped in the Appendix A Shoreline Environment Designation Map. Shoreline designations are adequately identified in SMP Chapter 3 and in the Appendix A Shoreline Environment Designation Map. Ecology finds that for each environment designation the SMP includes a purpose statement, designation criteria, management policies, and regulations as required by WAC 173-26-211(4)(a).*

Shorelines of Statewide Significance (WAC 173-26-251)

RCW 90.58.020 specifically calls out Shorelines of Statewide Significance (SSWS) for special consideration, declaring that “the interest of all of the people shall be paramount in the management” of these shorelines. The Columbia River is identified as the only shoreline of statewide significance in the City. The Shoreline Guidelines in WAC 173-26-251 require that local master programs recognize the specific use preferences identified in the SMA and provide for “optimum implementation” of the statutory policy. This is done by providing SMP provisions that implement: (a) statewide interest, (b) preserving resources for future generations and (c) giving preference to uses identified in RCW 90.58.020.

Within the City, the Columbia River is the most intensively developed shoreline area with a mix of existing commercial, industrial, residential, recreation, lodging, and transportation uses, including the BNSF railway, Port of Skamania County's administrative offices, light industrial Tichenor and Riverpoint Buildings, waterfront trail, windsurfing/kiteboarding launch parks, 200-foot long Stevenson Landing pier, and historical Old Saloon property, as well as single-family homes, and cabin-style hotel. This shoreline of statewide significance reach is primarily designated Active Waterfront, with a stretch of some 7 parcels designated Shoreline Residential.

The SMP as a whole is consistent with the policies of RCW 90.58.020, specifically SMP 1.4.2 Purpose of this SMP establishes #5 to ‘ensure optimal implementation of the SMA along the Columbia River’, and SMP 4.8.2 Shorelines of Statewide Significance Regulation #1 establishes the required SSWS provisions.

Finding: *Ecology finds that the SMP has accurately identified SSWS within the City's jurisdiction, is consistent with RCW 90.58.020 and WAC 173-26-251, and provides for optimum implementation of the statutory policy.*

General Master Program Provisions (WAC 173-26-221)

The SMP Guidelines in WAC 173-26-221 list general provisions that are intended to apply broadly to all of types of shoreline development regulated by master programs, including the following subsections: (1) Archaeological and Historic Resources; (2) Critical Areas; (3) Flood Hazard Reduction; (4) Public Access; (5) Shoreline Vegetation Conservation; and (6) Water Quality, Stormwater and Nonpoint Pollution. In addition, WAC 173-26-191 requires SMP contents to address elements

including, but not limited to, economic development, public access, conservation, historical, cultural, scientific and educational values, and flood damage. WAC 173-26-201 requires SMPs to ensure ‘at minimum, no net loss of shoreline ecological functions necessary to sustain shoreline natural resources’. The City’s SMP Chapter 4 addresses these requirements with the following general provisions:

4.2 Cultural Resources – 4.2.1 Describes applicability under SMA, along with courtesy reference to RCW Chapter 27.44 15 (Indian Graves and Records) and RCW Chapter 27.53 (Archaeological Sites and Records). 4.2.2 Sets policies for archaeological, cultural and historic sites and resources. 4.2.3 Establishes regulations for site inspections, evaluations and surveys, impact avoidance, management plans, and stop work & reporting requirements for inadvertent discoveries.

4.3 Environmental Protection & No Net Loss – 4.3.1 Sets policies to achieve ‘no net loss’ (NNL) and to avoid unmitigated adverse impacts. 4.3.2 Establishes regulations for mitigation sequencing, SEPA compliance, cumulative impacts considerations, and impact mitigation requirements. Ecology identified required changes to 4.3.1 and 4.3.2 needed to ensure consistency with WAC 173-26-186, -191, and -201, and for improved clarity about the overall strategy of shoreline setbacks, critical area buffers, and vegetation standards (see Attachment B, Item #3). Ecology also identified other recommended changes to 4.3.2 for improved clarity about compensatory mitigation and voluntary restoration (see Attachment C, Item #15).

4.4 Critical Areas – 4.4.1 Describes applicability of the City’s Critical Areas Ordinance (SMC 18.13) in shoreline jurisdiction. 4.4.2 Sets policies for critical area protections including critical freshwater habitat, appropriate human use, riparian buffers, and meeting the NNL standard. 4.4.3 Establishes general regulations about project authorizations, and early disclosure and verification of critical area presence. 4.4.4 Establishes fish & wildlife habitat conservation area regulations to clarify and supplement SMC 18.13 provisions. 4.4.5 Establishes wetland regulations to clarify and supplement SMC 18.13 provisions. Ecology identified required changes to: 4.4.1 to improve the incorporation by reference of SMC 18.13; 4.4.2 to eliminate the reach scale base buffer for consistency with WAC 173-26-191; 4.4.3 to ensure consistency with WAC 173-26-221; 4.4.4 to ensure the provisions apply to all types of shoreline activities; and 4.4.6 for consistency with WAC 173-26-201, -221 and current technical guidance (see Attachment B, Items #4 – 8).

4.5 Flood Hazard Reduction – 4.5.1 Describes applicability to frequently flooded areas and channel migration zones (CMZs) to clarify and supplement SMC 18.13. 4.5.2 Sets policies for location and impacts of new use and development, and removal of artificial restrictions. 4.5.3 Establishes regulations for frequently flooded areas and CMZs including a locally-tailored tiered approach to CMZ critical area reports, and CMZ standards for flood certificates and demonstration of no significant impacts. Ecology identified required changes to 4.5.3 for consistency with WAC 173-26-221(3.c.i) (see Attachment B, Item #9). Ecology also identified recommended changes to 4.5.1 for clarification of the ‘soft reference’ to the City’s Flood Regulations (SMC 15.24) and reliance on the most current FEMA FIRMs (see Attachment C, Item #16).

4.6 Public Access – 4.6.1 Describes applicability to ensure *“the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.”* 4.6.2 Sets policies for physical and visual access, consideration of property rights, public safety, and navigation, and for future shoreline public access planning efforts. 4.6.3 Establishes regulations for what types of proposals shall include public access, when not

required, criteria for demonstration of alternatives considered, allowance for off-site access, standards for establishing and constructing public access, view protection and obstruction relief allowances, and how to address conflict between water-dependent use, physical public access, and view protection. Ecology identified required changes to 4.6.2 for consistency with WAC 173-26-221(4.d.iii) (see Attachment B, Item #10). Ecology also identified recommended changes to 4.6.2 to clarify an incomplete sentence, and 4.6.3 for clarity (see Attachment C, Items #17 & 18).

4.7 Water Quality & Non-point Source Pollution – 4.7.1 Describes applicability to projects with potential to change surface water flows or create new discharges. 4.7.2 Sets policies to maintain & improve water quality, protect public health and natural resources, address new stormwater runoff, and for voluntary property owner actions including low impact development techniques. 4.7.3 Establishes regulations to ensure NNL, comply with setbacks, buffers, and other potable water, public health, and local/State stormwater manual standards/requirements, property manage sewage/septic systems, and ensure appropriate non-toxic materials are used for in-water structures. Ecology identified recommended changes to 4.7.3 to use the term ‘accessory’ instead of ‘appurtenance’ consistent with definitions (see Attachment C, Item #19).

Finding: Ecology finds that, subject to required changes #3 - 10 in Attachment B, the general policies and regulations are consistent with WAC 173-26-221.

Shoreline Modifications (WAC 173-26-231)

The SMP Guidelines in WAC 173-26-231 define “shoreline modifications” as: “...generally related to construction of physical elements such as a pier, floating structure, shoreline stabilization, dredged basin, or fill...” and WAC 173-26-231(2)(b) establishes a general principle that master programs should: “Reduce the adverse effects of shoreline modifications, and as much as possible, limit shoreline modifications in number and extent.” These shoreline modification principles and standards contained in WAC 173-26-231 are reinforced through associated requirements for mitigation sequencing (WAC 173-26-201(2)(e)) and the no net loss of shoreline ecological function standard (WAC 173-26-186).

Stevenson’s SMP regulates shoreline modifications in SMP Chapter 6 including the 6.2 General Provisions for All Shoreline Modifications, the 6.3 Shoreline Modifications Table 6-1 allowances and prohibitions by SED, and the specific policies and regulations of 6.4.1 Vegetation Removal; 6.4.2 Fill; 6.4.3 Shoreline Stabilization; 6.4.4 Shoreline Restoration; 6.4.5 Dredging; and 6.4.6 Breakwaters, Jetties, Groins, and Weirs.

SMP 6.4.1 Vegetation Removal includes policies and general regulations; Table 6.2 Mitigation for Vegetation Removal within Shoreline Jurisdiction determines mitigation actions required based on the location (within or beyond 50-feet from OHWM; and proximity to Oregon White Oak Woodlands) and the type of vegetation removed (invasive/noxious; hazard tree; grass/non-woody/non-native; native groundcover/understory; native tree; significant tree >12-inches DBH), and sets mitigation monitoring standards.

The City’s SMP addresses both boating facilities per WAC 173-26-241(3)(c) and piers and docks per WAC 173-26-231(3)(b) collectively as Chapter 5.4.3 Boating Facilities and Overwater Structures,

further described below. Ecology identified required changes to SMP 6.4.1, 6.4.3, and 6.4.4 needed for consistency and clarity (see Attachment B, Items #18 – 20).

Finding: Ecology finds that, subject to required changes in Attachment B, the shoreline modification policies and regulations are consistent with WAC 173-26-231.

Shoreline Use Provisions (WAC 173-26-241)

The SMP Guidelines in WAC 173-26-241 are intended to both recognize existing uses and ensure that future development will be appropriately managed consistent with the underlying policies of the SMA. Avoidance of use conflicts through coordinated planning and recognition of “preferred” shoreline uses is a primary tenant of the SMA (RCW 90.58.020). Updates to local SMPs are intended to support these goals through development of appropriate master program provisions, based on the type and scale of future shoreline development anticipated within a particular jurisdiction. Consistent with WAC 173-26-186(5), the City’s SMP reflects the principle that the regulation of private property needs to be consistent with all relevant constitutional and other legal limitations. Preferred uses, other priority uses, property rights and constitutional limits are explicitly addressed, as consistent with SMA and WAC, by the following provisions:

- | | |
|---|---|
| 1.4.1 Overall Vision & Goals #6 | 5.4.5 Forest Practices Regulation 4.d.v |
| 3.2.1 Aquatic Designation Management Policy #3.g | 5.4.6 Institutional Policy #4.a |
| 4.6.2 Public Access Policy #4 | 5.4.9 Recreational Policy #3.b |
| 4.6.3 Public Access Regulations #1, 1.b and 3.c | 5.4.10 Residential Location #1 and Policy #3.a |
| 4.8.2 SSWS Regulation #1 | 5.4.11 Transportation & Parking Policies #3.b and 3.g |
| 5.2 Provisions Applicable to All Uses Regulation #1 | 7.2 Definitions for Aquaculture |
| 5.4.3 Boating Facility & Overwater Structures Policies #3.e and 3.f | |

The updated SMP varies the allowed uses within each SED depending on the current level of impairment of shoreline functions. This is based on the inventory and characterization, existing land use patterns, the City’s Comprehensive Plan, and SMA use preferences. No Net Loss and Mitigation Sequencing requirements are contained in SMP 4.3, described above. SMP Chapter 5 Shoreline Use Regulations provides location and applicability context, policies and regulations for specific types of shoreline use activities, including:

- | | |
|---|---------------------------------|
| 5.1 Introduction | 5.4.6 Institutional |
| 5.2 Provisions Applicable to All Uses | 5.4.7 Instream Structures |
| 5.3 Shoreline Use Table | 5.4.8 Land Division |
| 5.4.1 Agriculture & Mining | 5.4.9 Recreational |
| 5.4.2 Aquaculture | 5.4.10 Residential Development |
| 5.4.3 Boating Facilities & Overwater Structures | 5.4.11 Transportation & Parking |
| 5.4.4 Commercial and Industrial Development | 5.4.12 Utilities |
| 5.4.5 Forest Practices | 5.4.13 Unlisted Uses |

Introduction - In collaboration with City staff, Ecology identified a minor recommended change to SMP 5.1 for clarity (see Attachment C, Item #20). Ecology identified a required change to SMP 5.2 for SMA and WAC consistency to accurately differentiate between ‘preferences’ and ‘priorities’ (see Attachment B, Item #11).

Use Table - The Shoreline Use Table 5.1 establishes use allowances and shoreline setback distances by SED, ranging from 25' to 150'. Ecology identified required changes to SMP 5.3 Table 5.1 to remove an inaccurate reference to 'most/least restrictive', to ensure non-water oriented overwater structures called Private Leisure Decks are prohibited in all SEDs, and in collaboration with City staff to prohibit new cemeteries in the Shoreline Residential SED, and to clarify the language of Footnote 2 (see Attachment B, Item #12).

Agriculture & Mining - With no such use currently existing in shoreline jurisdiction, both Agriculture and Mining are prohibited outright in all SEDs.

Aquaculture - The City opts to regulate upland finfish rearing facilities, defined by statute as agricultural facilities/equipment, under SMP 5.4.2 as non-water oriented aquaculture. Ecology identified required changes to SMP 5.4.2 to better reflect the required consideration of statewide interests over local interests along Shorelines of Statewide Significance, to clarify the inclusion of upland finfish rearing facilities, and in collaboration with City staff, to remove the term 'appurtenance' as inaccurate for the use (see Attachment B, Item #13).

Boating Facilities & Overwater Structures – The provisions address water-dependent piers, docks and other boat moorage/launch structures, public access structures, non-water oriented "private leisure decks", motorized and non-motorized boats, single-user and joint use residential accessories, and public recreational facilities. Ecology identified required changes to SMP 5.4.3 for WAC consistency, internal consistency between text and the Use Table, and to clarify language (see Attachment B, Item #14). In collaboration with City staff, Ecology also identified recommended changes to 5.4.3 for clarity (see Attachment C, Item #21).

Residential – Provisions address single-family, multi-family, and prohibit overwater residences. Minor administrative reductions (<10%) of the 50-foot single-family residential shoreline setbacks are allowed by SMP 5.4.10(4.d) in limited situations, when criteria are met, otherwise any deviation from the standard setback requires a Shoreline Variance. Ecology identified required changes to 5.4.10(1) and (3.a) to replace the incorrect term 'preferred' with the accurate term 'priority' for SMA and WAC consistency (see Attachment B, item #15). Ecology also identified recommended changes to SMP 5.4.10 to clarify language for 'joint use docks' (see Attachment C, Item #27).

Transportation & Parking – Provisions address transportation facilities – including the BNSF railway and SR 14 highway that run parallel along the Columbia River – and primary and accessory parking. Ecology identified required changes to SMP 5.4.11 accessory parking language for WAC consistency (see Attachment B, Item #17).

Finding: Ecology finds that, subject to required changes in Attachment B, the City has established a system of use regulations consistent with WAC 173-26-241 along with related environment designation provisions that accommodate preferred and priority uses, protect property rights while implementing the policies of the SMA, reduce use conflicts, and assure no net loss of shoreline ecological functions.

Shoreline Use Analysis (WAC 173-26-201(3)(d)(ii))

The CIA-NNL Report described above, and the Inventory and Characterization Report (ICR) Chapter 5 Use Analysis, both analyze current and future potential land uses and trends to address the SMP Guidelines requirement to project future shoreline development, identify potential use conflicts and ensure preference is given to water oriented uses, particularly preferred uses that are unique to or dependent upon a shoreline location. The ICR Use Analysis considers property ownership, future land use and zoning, preferred and water-dependent uses, projected uses and potential conflicts, summarized by shoreline reach.

Finding: Ecology finds that the City has adequately considered current patterns, projected trends, SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201 (2)(d) and WAC 173-26-201 (3)(d)(ii).

Cumulative Impact Analysis (WAC 173-26-201(3)(d)(iii))

Addressing no net loss of ecological functions is a critical element in any SMP update. Ecology rules require that “Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.”² A cumulative impacts analysis (CIA) documents how an SMP update addresses no net loss of ecological functions. After earlier draft versions prepared in February and October 2018, the final *Cumulative Impacts Analysis & No Net Loss Report* (December 2018; CIA-NNL) includes review and analysis of reasonable foreseeable development activities, shoreline development and protective provisions, impacts of exempt, unregulated, and restoration activities, evaluation of net effects of impacts and ecological functions lost and gained, summary of key programmatic protections, and how indicators can help track loss of function.

Organized by shoreline Reaches, and presented in both descriptive text and summary tables using the same ICR graphic icons to represent a qualitative scale of ecological functions, the CIA-NNL Report considers projected changes to the indicators of physical, biological and altered conditions.

The Report found that 42 of the 53 individual types of shoreline use and modification are reasonably foreseeable in the City’s future, shown here in Figure 1-3:

FIGURE 1-3 CATEGORIES OF REASONABLY FORESEEABLE SHORELINE USE & MODIFICATION BY REACH

Use	CR1	CR2	CR3	RC1	RC2	RCo	AL
Boating Facilities & Overwater Structures	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Commercial & Industrial		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Forest Practices				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Institutional	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Land Division			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Recreational	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Transportation & Parking Facilities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Utilities		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Modifications							
Vegetation Removal	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fill		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Shoreline Stabilization		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Shoreline Restoration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Dredging		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Breakwaters, Jetties, Groins & Weirs		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

² WAC 173-26-201(2)(c)

The overall distribution of SEDs in City limits and in pre-designated areas is summarized by Figure 2-2 shown here. For City shorelines, nearly half (46%) are designated as the more protective Natural and Urban Conservancy SEDs, and the remaining 53% are Shoreline Residential and Active Waterfront.

FIGURE 2-2 DISTRIBUTION OF SHORELINE ENVIRONMENT DESIGNATIONS

Location	Natural	Shoreline Residential	Urban Conservancy	Active Waterfront	TOTAL
City Jurisdiction	16.7 ac 17%	17.7 ac 18%	28.3 ac 29%	34.4 ac 35%	97 ac
Pre-designated Area	19.4 ac 23%	14.0 ac 16%	32.6 ac 38%	20.2 ac 23%	86 ac
TOTAL	36.1 ac 20%	31.7 ac 17%	60.9 ac 33%	54.6 ac 30%	183 ac

*Total acreage in this table differs from the ICR, which considered the Piper Road Landslide Area as part of the preliminary shoreline jurisdiction.

Figure 2-4 presents an extensive evaluation of the uncontrolled impacts, proposed SMP controls, and anticipated net effect with recommendations based on type of development activity and associated uses, such as construction, impervious surfaces & stormwater, ongoing use/maintenance of existing structures, and vegetation removal.

The CIA-NNL Report concludes that based on the policy guidance and regulatory requirements proposed, including the robust vegetation standards and setback provisions, along with implementation of the Shoreline Restoration Plan:

- in many instances, a net gain in functions is likely over time because mitigation ratios that exceed 1:1 will eventually result in larger, better functioning resources than those impacted;
- mitigation sites monitoring and conservation covenant requirements will ensure their success and protection from future development in perpetuity; and
- implementation of the SMP is anticipated to achieve no net loss of ecological functions in the city’s shorelines.

During review, Ecology noted that the CIA-NNL Report included numerous Recommendations, some of which did not appear to be explicitly reflected by the Locally Approved SMP. Upon discussion with City staff to gain a better understanding, the City provided Ecology a September 24, 2021 Memo regarding ‘Cumulative Impact Analysis—SMP Incorporation of Recommendations’. This memo notes that the City’s approach is described at 2.2.4 and 3.1 as follows:

- *“The No Net Loss section places the burden of proof on the proponent that ecological functions will not be lost based on their proposal. The recommendations included in CIA Section 2.2.1 and Figure 2-4 may be an effective way to reduce that burden for the proponent. Alternatively, if any other part of this program is determined to cause net loss of ecological function, those recommendations may be helpful remedies.”*
- *“...Chapter 2 of this report identifies some additional protections and changes that could help improve interpretation and implementation and avoid any declines. These recommendations should be considered 1) as part of the ongoing review and amendment of the SMP documents and 2) during review of some individual permits identifying impacts that were not anticipated as part of this cumulative impacts analysis.”*

The Memo further explains that the reason for some recommendations still appearing in the final version CIA-NNL Report is threefold:

1. *Intentional Parsing* – some recommendations address distinct not cumulative impacts but the SMP’s multi-pronged approach ensures NNL;
2. *Project Permitting* – some recommendations target project level review not a programmatic approach to NNL, such as stormwater retrofits to offset new impervious surfaces, and recognition that setbacks alone cannot provide the sole protection needed and must work in concert with other companion SMP provisions such as vegetation removal and critical area standards;
3. *Adaptive Administration* – some recommendations provide administrative actions that can help achieve NNL beyond SMP implementation, such as voluntary enhancement projects.

In summary, the Memo confirms that the City considered the CIA-NNL Recommendations and found no further SMP revisions were needed, that the Recommendations were left in the final Report as useful guidance for implementation, and concludes the locally approved SMP is consistent with the Report’s finding that NNL will be achieved.

Finding: *Ecology finds that the City’s Cumulative Impact Analysis & No Net Loss Report (CIA-NNL) provides an adequate examination of anticipated development and potential effects to shoreline ecological functions per WAC 173-26-201(3)(d)(iii).*

Restoration Plan (WAC 173-26-201(c) and (f))

Local governments are directed to identify restoration opportunities as part of the SMP update process and to include policies that promote restoration of impaired shoreline ecological functions (WAC 173-26-201 (2)(c) and (f)). It is intended that local government, through Shoreline Master Program implementation, along with other regulatory and non-regulatory programs, contribute to restoration by planning for and fostering such actions. These are anticipated to occur through a combination of public and private programs and actions. The restoration planning component of the SMP is focused on voluntary mechanisms, not regulatory provisions.

The *City of Stevenson Shoreline Restoration Plan* (December 2018) is based on information gathered in the Inventory and Characterization Report (ICR) and identifies programmatic restoration opportunities. The City’s restoration planning is focused on available funding sources, public programs, volunteer programs, and other strategies that can contribute to a net gain of shoreline ecological function.

Finding: *Ecology finds that the Restoration Plan is based on appropriate technical information available during the SMP update and meets the requirements of WAC 173-26-201(2)(c) and (f).*

Periodic Review (RCW 90.58.080; WAC 173-26-090(3))

City of Stevenson is required “to review and, if necessary, revise their master program” on or before June 30, 2021, and every eight years thereafter. The purpose of the review is to ensure the SMP complies with laws and guidelines that have been added or changed since the most recent update, and for consistency with the city’s comprehensive plan and development regulations. The periodic review is also an opportunity to address changed circumstances, new information, or improved data.

City of Stevenson is one of a small group of communities for whom the periodic review deadline was approaching just as they were completing their comprehensive SMP update. In shifting the local process to a combined comprehensive update and periodic review, the City took the following steps:

- Public Participation - Informed the public to identify the project as a combined effort in stakeholder emails and a project summary staff report;
- Review & Determine Needed Revisions - Reviewed the draft SMP and prepared a Periodic Review Checklist with additional SMP changes made prior to local approval; and
- Legislative Action - Council held a public hearing before taking legislative action for SMP local approval by Resolution 2018-322;

Finding: Ecology finds that, consistent with WAC 173-26-090, the City of Stevenson is required to periodically review their SMP on or before June 30, 2021 and every eight years thereafter. These reviews are required to ensure local governments address changes in requirements of the SMA and guidelines requirements since the comprehensive update, changes for consistency with revised comprehensive plans and regulations, along with any changes deemed necessary to reflect changed circumstances, new information or improved data. Ecology finds that the City completed this review and appropriately modified its SMP to address changes in requirements of the SMA and guidelines, as well as changes for consistency with comprehensive plans, local regulations, and as deemed necessary to reflect changed local circumstances, new information, or improved data. Ecology finds that the substantive requirements for periodic review have been met.

Consistency with SMA and SMP Guidelines

Consistency with the Shoreline Management Act (RCW 90.58): The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City provided evidence of compliance with SMA procedural requirements in RCW 90.58.090(1) and (2), for SMP amendments.

Consistency with applicable guidelines (WAC 173-26): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through -251, and -020 definitions). This includes review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c) along with review of both the SMP Comprehensive Update Checklist and the SMP Periodic Review Checklist completed by the City. The Periodic Review Checklist identifies additional revisions made prior to local approval.

Consistency with SEPA Requirements: The City submitted evidence of compliance with RCW 43.21C, the State Environmental Policy Act (SEPA) in the form of a SEPA checklist and non-project supplement, and issued a Determination of Non-Significance (DNS) for the proposed SMP amendment on October 17, 2018. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update

Ecology also reviewed the following documents prepared by the City in support of the proposed comprehensive SMP update and periodic review:

- *February 2015 Public Participation Plan;*
- *December 2018 Inventory and Characterization Report;*
- *December 2018 Cumulative Impacts Analysis and No Net Loss Report;*

- *December 2018 Shoreline Restoration Plan;*
- *January 2019 SMP Submittal Checklist;*
- *January 2019 Periodic Review Checklist; and*
- *September 2021 City's Cumulative Impacts Analysis Memo*

Department of Ecology review process

The proposed SMP comprehensive update, including periodic review revisions, was received by Ecology for state review on January 3, 2019. Ecology is required to determine if SMP submittals are complete and in compliance with Washington Administrative Code (WAC) 173-26-100 and 110.

Pursuant to WAC 173-26-100 and -110, City of Stevenson has satisfied the submittal requirements for an SMP comprehensive update and periodic review as indicated below:

- A signed Resolution was provided to Ecology that indicated the City's approval of the proposed SMP with the adoption of Resolution 2018-322 on December 20, 2018 (WAC 173-26-110(1) & WAC 173-26-100(7));
- This SMP submittal is intended to entirely replace the City's existing SMP (WAC 173-26-110(2));
- An updated shoreline environment designation map was submitted to Ecology (WAC 173-26-110(3));
- Materials summarizing the update and periodic review amendment and local process were provided to Ecology (WAC 173-26-110(4));
- Evidence of compliance with the State Environmental Policy Act (SEPA) was provided to Ecology including a Determination of Nonsignificance issued by the City on October 17, 2018, along with a completed Environmental Checklist (WAC 173-26-110(5) & WAC 173-26-100(6));
- Evidence of compliance with the public notice and consultation requirements of WAC 173-26-100 was provided to Ecology (WAC 173-26-110(6));
- The City provided numerous opportunities for public and Ecology review and comment throughout the SMP update effort between 2012 and 2018. Notice of a public hearing before the City Council was advertised in the *Skamania County Pioneer* newspaper and the hearing held on November 15, 2018. (WAC 173-26-110(7) & WAC 173-26-100(1-3));
- The City solicited comments on the draft SMP from Ecology as part of the 2012-2018 local process (WAC 173-26-100(5));
- Copies of the completed SMP Submittal Checklist per WAC 173-26-201(3)(a) and (h) and Periodic Review Checklist in accordance with WAC 173-26-090 were provided to Ecology (WAC 173-26-110(9));
- Copies of the City's shoreline inventory and characterization report, shoreline restoration plan, and cumulative impacts analysis were submitted to Ecology (WAC 173-26-110(10)).

Ecology provided the City with a letter verifying the combined comprehensive update and periodic review submittal was complete on February 14, 2019.

Ecology review timeline

Comprehensively updated SMPs are generally very complex and address a wide range of uses and activities. For a variety of reasons, City of Stevenson’s local SMP approval was delayed past the original due date. Ecology has worked closely with the City during the state review process.

The 2019 state comment period coincided with Ecology’s receipt of documents related to numerous efforts by other local governments operating under SMP periodic review grant deadlines. This left Ecology with limited staff capacity to complete the final steps in the approval process in a timely manner. The impacts of COVID-19 pandemic and City staffing constraints also affected the process timeline. Ecology’s decision was further delayed in order to explore options with the City in an effort to reach resolution on proposed changes. Ecology collaborated with City staff to reach mutual understanding about legally defensible alternatives to locally adopted provisions that Ecology could incorporate into final required and recommended changes.

The timeline below outlines the progress and challenges during the state review process:

May – June 2019: Ecology held a public comment period on the City’s proposed SMP comprehensive update and periodic review and provided the City with a summary of comments received.

August 2019 – January 2020: After the State comment period and receipt of the City’s response to comments, Ecology’s progress was considerably delayed due to high workload and staffing constraints;

May - June 2020: Ecology completed initial review of the locally approved SMP and drafted preliminary required and recommended changes. Some inter-related issues required clarification to better understand the City’s overall SMP strategy for shoreline setbacks, critical area buffers, shoreline environment designations, and vegetation conservation and how the City had considered the recommendations of the CIA-NNL Report;

August – September 2020: Ecology provided reference materials about the inter-related issues to City staff with a request for a group call to talk through the content. Ecology and City staff met virtually for a group discussion on September 11 to clarify many issues and identify some needed follow-up. This improved understanding allowed Ecology to complete our review and determine the further changes needed;

December 2020: In support of Ecology’s partnership with local government and intention to avoid surprises when proposing changes to locally approved SMPs, Ecology refined the preliminary changes into *Discussion Draft Required and Recommended Changes* - these were sent to the City on December 9 for staff-level preview;

September – November 2021: After some delay in the City’s staff-level preview of the discussion drafts, Ecology and City staff met virtually on September 22. This group discussion about the *Discussion Draft Required and Recommended Changes* helped establish agreement on the proposed changes. In addition to feedback on the Draft changes, City staff also provided numerous additional suggested edits in early- and late-September. On September 27, City staff provided Ecology a Memo titled *Cumulative Impacts Analysis - SMP Incorporation of Recommendations* to address the previously discussed inter-related issues. On October 13 Ecology sent revised drafts of the required and recommended changes to City staff for a final preview, and City staff sent additional

feedback/suggested edits on October 15. This additional collaboration allowed Ecology to finalize the required and recommended changes documents and proceed with the final steps for issuing a conditional approval decision.

Ecology Review Timeline Delays - Overall, the Ecology review process suffered delays in progress due to both Ecology and City staffing constraints and competing priorities, impacts of COVID-19, iterative collaboration with the City for agreed upon solutions to key issues, and the late incorporation of extensive City-suggested minor edits.

Ecology Public Comment Period

In compliance with the requirements of WAC 173-26-120, Ecology held a public comment period on the City's proposed SMP comprehensive update and periodic review. The comment period began on May 1, 2019 and continued through June 3, 2019.

Interested parties were notified using mail and email. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on April 19, 2019 in compliance with the requirements of WAC 173-26-120. Three (3) Tribal governments were individually and specifically notified and invited to comment: the Cowlitz, Grand Ronde, and Yakama Tribes. This notice identified that the SMP amendment is intended to satisfy the state statutory requirements of RCW 90.58.080 to comprehensively update and periodically review the City's SMP. Notice of the comment period, including a description of the proposed SMP and the authority under which the action is proposed along with the manner in which interested persons may obtain copies and present their views, was also provided on Ecology's website³. All interested parties were invited to provide comment on the proposed update during this public comment period. No public hearing was held during the state comment period. One (1) comment letter was received from WA Department of Natural Resources.

Consistent with WAC 173-26-120, Ecology provided a comment summary matrix to the City on June 14, 2019. This comment summary matrix presents the one comment related to the Inventory & Characterization Report about cold-water refuge habitat for salmonids. On July 29, 2019 the City submitted its responses to the issue raised during the state comment period, including extensive related background information.

Summary of Issues Raised During the Ecology Public Comment Period

The Responsiveness Summary (Attachment D) includes a summary of the singular public comment submittal received (WA DNR) and City's response to the SMP topic raised in the comment pursuant to WAC 173-26-120(2)(e). Ecology considered the comment received during the state review process. Additional Ecology review considerations are reflected in the discussion and rationale of Attachments B and C, and in the section below titled "Summary of Issues Identified by Ecology as Relevant to Its Decision."

The one commenter addressed an SMP technical supporting document - the Inventory & Characterization Report - and the importance of recognizing cold-water refuge habitat critical to endangered salmonids.

³ <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/State-approved-Shoreline-Master-Programs/Stevenson>

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology respects the City process and recognizes that both development of an SMP and implementation of the SMA are a cooperative program with our local government partners. During the course of the City of Stevenson’s six-year effort, Ecology acted in a supportive and review capacity by twice providing grant funds, attending numerous meetings during development of technical documents and draft policies and regulations, and providing technical assistance throughout, including comments on numerous drafts of the SMP. The City locally approved their combined comprehensive update and periodic review SMP amendment by Resolution 2018-322 on December 20, 2018, and Ecology’s final review and approval process included consideration of recent statutory and rule changes (Periodic Review checklist items).

Ecology is required to review all SMPs to ensure consistency with the SMA and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines.⁴ WAC 173-26-186(11) specifies that Ecology “shall insure that the state’s interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.”

Based on review of the locally approved SMP for consistency with applicable SMP Guideline requirements, contemplation of supporting materials included in the City’s submittal, and consideration of issues raised during Ecology’s public comment period (Attachment D), a number of issues remain relevant to Ecology’s decision on the City of Stevenson’s SMP Amendment. Upon Ecology’s review and in consultation with City staff, we identified changes to the locally approved SMP amendment that are necessary for consistency with the SMA or SMP Guidelines, presented here in the following order:

- Environmental Protection & No Net Loss
- Critical Areas
- Fish & Wildlife Habitat Conservation Areas
- Wetlands
- Flood Hazard Reduction
- Vegetation Removal
- Administrative/Minor Project Authorizations
- Public Access
- Shoreline Use
- Aquaculture
- Boating Facilities & Overwater Structures
- Residential Development
- Transportation & Parking Facilities
- Shoreline Stabilization
- Shoreline Restoration
- Definitions

The above listed topic areas, specific issues, proposed changes, and Ecology’s rationale are discussed below, in addition to discussion and rationale provided for each of the 25 items in Attachment B:

ENVIRONMENTAL PROTECTION AND NO NET LOSS POLICES AND REGULATIONS

As required by several sections of WAC 173-26, the locally approved SMP’s overall approach to achieving no net loss of shoreline ecological functions (NNL) is unclear based on the proposed inter-related provisions for SEDs, including:

- SMP 3.2 establishes Shoreline Environment Designations (SEDs) based on existing conditions and anticipated future use;

⁴ RCW 90.58.050

- SMP 5.3 Use Table 5-1 sets prescriptive shoreline setback widths based on type of use/development activity and SED, although some activities have a uniform setback for all SEDs;
- SMP 4.1 incorporates the City's CAO that establishes prescriptive 'base' buffer standards for both wetlands and riparian areas, with the Fish & Wildlife Habitat Conservation Area (FWHCA) Type S buffer width deferred to a habitat assessment without any criteria for increasing/decreasing the 'base' buffer; and
- SMP 6.4.1 establishes shoreline modification provisions for vegetation removal, including prescriptive mitigation standards based on distance from OHWM and type of vegetation removal.

As proposed, the following uncertainties for implementation are created:

- Does a CAO 150' Riparian 'base buffer' apply unless otherwise determined by a habitat assessment/Critical Areas Report?
- Will a reach-scale analysis allow site-specific buffer reduction?
- Do the Riparian buffer and the shoreline setback widths simply determine where/when vegetation removal standards apply?
- Do both apply so that the setback is added to the base/adjusted buffer width?
- Where both apply, will the greater/most protective take precedence?
- When a CAO buffer is averaged or reduced, can it be reduced to less than the shoreline setback?

Upon discussion with City staff to understand the intended approach to NNL, Ecology clarified the overall strategy is that the shoreline setbacks establish areas where development is mostly excluded, critical area buffers establish areas where mitigation standards apply, and the vegetation removal standards apply throughout shoreline jurisdiction. Additional related issues are addressed separately below. Ecology's change includes inserted text for a new policy and a new regulation that better describe the overall integrated strategy and key SMP Sections to address the issue (see Attachment B, Item #3).

CRITICAL AREA PROVISIONS

General Policies and Regulations – WAC 173-26-191(2.b) describes how SMPs may include reference to a specific dated version of external provisions. Generally referred to as a 'hard reference', these serve to make the external provisions a substantive component of the SMP to meet SMA/WAC requirements, whereas a citation included as a courtesy to the reader is considered a 'soft reference'. The SMP 4.4.1 Applicability provision appears to be trying to incorporate the City's CAO (SMC 18.13) by reference to apply within shoreline jurisdiction but the proposed language was imprecise. Because some CAO provisions that were established under GMA conflict with or fail to meet SMA requirements, they do not apply within shoreline jurisdiction and need to be explicitly identified to ensure proper implementation and to avoid confusion.

While the incorporated CAO provisions become shoreline provisions, the SMP did not make clear that the liberal construction principles of RCW 90.58.900 apply to shoreline critical area provisions, and one proposed provision was inaccurate in describing how to address a

potential conflict between the SMP and SMC 18.13. Another proposed provision unintentionally omitted geologically hazardous (GeoHaz) areas so that, as written, the incorporated CAO would not apply to shoreline GeoHaz areas, inconsistent with the requirement to protect all shoreline critical areas.

Ecology's changes insert and delete text to more explicitly establish the incorporation by reference of the CAO, to specifically identify CAO provisions that do not apply in shoreline jurisdiction, to include GeoHaz areas, and to better clarify that liberal construction applies (see Attachment B, Item #4).

As part of the 'base buffer' approach, the locally approved SMP includes a general critical areas policy that allows riparian buffers based on reach-scale functions, which may be larger or smaller than the prescriptive CAO buffers. Upon discussion with City staff, the intent was that once a buffer width is determined by a project- or site-specific habitat assessment or critical area report, then that same buffer width would apply to the entire reach. This approach is inconsistent with the WAC 173-26-191 requirement for reach analysis as part of the inventory and characterization process that should inform specific buffer and setback standards established by the SMP. By deferring this evaluation to the project-review phase of implementation, the SMP does not meet the basic requirement of WAC 173-26-191(2.a.ii.A) for a master program to be sufficient in scope and detail to implement the SMA and its rules. Ecology's change deletes text to remove this reach-scale base buffer approach, to rely on the SMP's prescriptive standards (see Attachment B, Item #5).

The locally approved SMP lacks a general critical areas regulation that addresses the requirements of WAC 173-26-221(2.c.ii.B) and -221(3.c.i) to ensure that new development, including the creation of new lots, does not require structural flood hazard reduction measures or shoreline stabilization. Ecology's change inserts text to add a new regulation that addresses this issue (see Attachment B, Item #6).

Fish & Wildlife Habitat Conservation Areas Regulations – These provisions apply in addition to those incorporated from SMC 18.13 and need to apply to all shoreline use, development and modification activities. As related to above, standard buffer widths must be recognized by site-specific habitat assessment reports and not left to a reach-scale determination, and only the City has decision-making authority even when considering input from a qualified professional biologist. Ecology's changes insert and delete text to add 'modifications', eliminate the reach-scale base buffer approach, and ensure decision authority rests solely with the City (see Attachment B, Item #7).

Wetland Regulations - These provisions apply in addition to those incorporated from SMC 18.13 and must be consistent with WAC 173-26-201(2.c) and -221(2.c.i), and the most current technical guidance for protection of shoreline critical areas. The locally approved SMP lacked specific language to identify the uses that must be regulated to ensure NNL, and established an outright allowance for alterations to high value wetlands without adequate mitigation. Upon consultation with City staff, the locally-tailored term 'wetland review activities' is established to mean those uses listed by WAC 173-26-221(2.c.i.A). Ecology's changes insert

and delete text to clarify that the wetland regulations apply to all ‘wetland review activities’, to fully & accurately reflect the NNL requirements for wetlands, and to eliminate the allowance for impacting high value wetlands in conflict with other SMP provisions and State requirements (see Attachment B, Item #8).

Flood Hazard Reduction Regulations – These provisions apply in addition to those incorporated from SMC 18.13 and the City’s Flood Code (SMC 15.24). As written, the locally approved SMP lacked a required criterion for new or enlarged structural flood hazard reduction measures related to landward location and wetland restoration efforts, and did not include specific language to identify the new use and development activities in the floodway or channel migration zone (CMZ) that must be regulated. Ecology’s changes include inserted text to ensure consistency with WAC 173-26-221(3.b) and (3.c.i) for protecting shoreline critical areas (see Attachment B, Item #9).

VEGETATION REMOVAL PROVISIONS

The proposed mitigation monitoring provision intended to offset the impacts of vegetation removal is not fully consistent with WAC requirements to rely on science and technical information, and to provide ecological protections to achieve NNL (WAC 173-26-201(2)). When replacement plantings are required to help meet the established survival standard, the monitoring period needs to be extended to ensure success, and a conservation covenant does not serve the same purpose as monitoring. Ecology’s change inserts and deletes text to add a requirement for extended monitoring and to remove the allowance for a legal agreement in lieu of monitoring (see Attachment B, Item #19).

ADMINISTRATIVE PROVISIONS AND MINOR PROJECT AUTHORIZATIONS

Documentation of all project review actions and changing conditions in shoreline areas is required by WAC 173-26-191(2)(a)(iii)(D). The SMP lacked any provision to establish such a tracking and evaluation mechanism. Ecology’s change inserts a new provision to address this omission (see Attachment B, Item #1).

The City establishes the term ‘Minor Project Authorization’ to rename those activities established as exempt from the shoreline substantial development permit process by the SMA and WAC 173-27-040. While local government takes the lead on project review for such exemptions, the proposed language is incorrect to say the State is not involved. Local review must follow the process established by WAC that includes Ecology’s involvement. Further, the proposed language includes only a partial list of those established exemptions, an approach previously found to be problematic in other jurisdictions. Upon discussion with City staff, a preferred approach was agreed on to rely solely on a text reference to the WAC citation for the full list and description of exemptions, with just a short list of the most common local examples to aid the reader. Ecology’s change includes inserted and deleted text for accuracy and clarity to address the issue (see Attachment B, Item #2).

PUBLIC ACCESS REGULATIONS

As one of the main policy goals of the SMA, public access is key to the balanced and appropriate use of shorelines of the state. To ensure that water-oriented and public access use and development are properly accommodated in waterfront locations, the SMA and WAC 173-26-201(2.d) establish an order of use preference. The locally approved SMP included some of this

established list but omitted the criteria related to four (4) or fewer single-family residences and all types of non-water oriented uses. Ecology's change inserts new text to add the two missing use preference provisions for WAC consistency (see Attachment B, Item #10).

SHORELINE USE REGULATIONS AND USE TABLE

Locally approved SMP 5.3's Use Table 5-1 lists the allowance and shoreline setback for a wide variety of use activities based on SEDs. SMP 5.3 Regulation 10 prohibits new single-family residential in the Active Waterfront SED, but is inconsistent with Table 5-1 that also includes the prohibition in the Aquatic and Natural SEDs. As proposed, one header row inaccurately indicates a range of restriction/protectiveness that is not consistent with the associated text.

The row for Private Leisure Decks as a type of Boating Facility & Overwater Structure shows that such a non-water oriented overwater structure would be allowed as a conditional use for all three upland SEDs but prohibited in the Aquatic SED. SMP Chapter 7 Definition for a Private Leisure Deck states they are typically for single-family residential (SFR) use and not related to boat moorage. This proposed allowance is in conflict with WAC 173-26-231(3) that only allows SFR piers & docks as a water-dependent use when they are necessary for access to watercraft.

The row for Cemeteries as a type of Institutional use shows that a new cemetery would be allowed as a conditional use in both the Shoreline Residential (SR) and Active Waterfront (AW) SEDs, and permitted in the Urban Conservancy (UC) SED. In consultation with City staff, there are no new cemeteries anticipated in SR or AW, and the two existing cemeteries in UC can continue as non-conforming.

Ecology's change inserts and deletes text to ensure internal consistency (see Attachment B, Item #16), to remove the reference to 'most/least restrictive', to prohibit new Private Leisure Decks in all SEDs, and to prohibit new cemeteries in Shoreline Residential and Active Waterfront SEDs (see Attachment B, Item #12).

AQUACULTURE PROVISIONS

When designed and operated to avoid pollution and environmental damage, the SMA considers aquaculture as a preferred water-dependent use of shorelines of the state. Along shorelines of statewide significance, the statewide interest takes precedence over local preferences as established by the SMA and WAC 173-26-251. Upland finfish rearing facilities are a non-water oriented type of agricultural facility/equipment under the SMA (RCW 90.58.065), and the City has discretion to regulate them as an aquaculture use due to other similarities. The locally approved SMP 5.4.2 Aquaculture provision that discourages new aquaculture is not consistent with SMA and its rules, the City's approach to including upland finfish rearing facilities as non-water oriented aquaculture is unclear, and use of the term 'appurtenant' outside the context of single-family residential use is internally inconsistent. Ecology's change inserts and deletes text to clarify that there are no existing aquaculture uses in the City, specify that the aquaculture provisions also apply to non-water oriented aquaculture activities/facilities, to remove the conflict with SMA's preference for water-dependent aquaculture, and to remove the conflicting term 'appurtenant' (see Attachment B, Item #13).

BOATING FACILITIES & OVERWATER STRUCTURES PROVISIONS

The locally approved SMP 5.4.3 Boating Facilities & Overwater Structures provisions do not fully reflect WAC 173-26-231(3.b) that allows piers & docks for water-dependent or public access use, those for SFR use only for watercraft access, and requires joint use/community docks for new residential development of two or more homes. Another proposed provision would leave private boating facilities & overwater structures unmarked to avoid day or night hazards, while requiring such of public facilities/structures. Ecology's change inserts and deletes text to fully establish the water-dependent, public access, and watercraft access criteria, to create parity between the safety marking of both public and private structures, and to establish a regulation that implements the requirement for joint-use/community docks (see Attachment B, Item #14).

RESIDENTIAL DEVELOPMENT PROVISIONS

Because residential development is not water-dependent it is not a *preferred* use along shorelines of the state, however single-family residential (SFR) use may be considered a *priority* when pollution and environmental damage are avoided. Based on the SMA and WAC 173-26-176, the order of use preference established by WAC 173-26-201(2.d) directs SFR uses to be limited to locations where they avoid significant impacts to ecological functions or displacing water-dependent uses. The locally approved SMP 5.4.10 provisions inaccurately refer to SFR and their appurtenances as 'preferred' rather than the correct 'priority' status. Ecology's change replaces the incorrect term for accuracy (see Attachment B, Item #15).

TRANSPORTATION & PARKING PROVISIONS

The locally approved SMP 5.4.11 accessory parking provision that could result in accessory parking to locate waterward of a primary use is not consistent with WAC 173-26-241(3.k) that establishes parking as a primary use as not preferred, and accessory parking only in support of an authorized use. Because the location of the primary use is based on its water-oriented status, the location of accessory parking doesn't need to rely on water-oriented status. Ecology's change deletes text to bring this provision into compliance (see Attachment B, Item #17).

SHORELINE STABILIZATION REGULATIONS

The locally approved SMP lacks a provision to require demonstration that no alternatives to structural shoreline stabilization are feasible for a primary residential structure in a geologically hazardous area, as required by WAC 173-26-221(2.c.ii.D). Ecology's change inserts text to add such a provision for consistency (see Attachment B, Item #20).

SHORELINE RESTORATION POLICIES

The locally approved SMP includes a policy that would limit ecological restoration/enhancement in deference to other preferred uses in the Active Waterfront SED. This approach is in conflict with the established order of use preference of RCW 90.58.020 and WAC 173-26-201(2.d) that gives top preference to protecting and restoring ecological functions, and internally inconsistent with other SMP provisions. Ecology's change deletes text to remove this conflicting policy (see Attachment B, Item #21).

DEFINITIONS

The definitions for terms ‘Floodway’, ‘Lake’, and ‘Should’ in the locally approved SMP are not consistent with those established by SMA and WAC, and the City has established a locally tailored term for ‘Wetland Review Activities’. Ecology’s changes insert and delete text to correct the proposed language for consistency with RCW 90.58.030, WAC 173-22-030, WAC 173-26-020, and WAC 173-26-221(2.c.i.A) (see Attachment B, Items #22 - 25).

ADDITIONAL RECOMMENDED CHANGES

In addition to the required changes noted above, we have also identified a number of recommended changes intended to improve document clarity and aid implementation. Many of these were suggested by City staff as a result of our ongoing collaboration on the December 2020 Draft Changes, including the extensive number of revisions to Chapter 7 Definitions.

A general list of the variety of minor issues addressed includes:

- Minor edits to correct non-substantive scrivener errors such as formatting, typos, punctuation, grammar, capitalization, citations, hyphens, etc.;
- Minor edits for clarity, phrasing and internal consistency;
- ‘Soft’ references to external citations;
- Mitigation vs. restoration;
- Residential setback adjustment for views;
- Joint-use docks;
- Overall construct of Chapter 7 Definitions for some 68 terms established by statute & rule to include both a specific RCW/WAC citation and the full, accurate text; and
- SED boundary interpretations.

These recommended changes were prepared in collaboration with City staff, and are further described as the 33 items identified within Attachment C, including Exhibit 1 for the many Chapter 7 Definitions.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s comprehensive SMP update and periodic review proposal, subject to and including Ecology’s required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020, RCW 90.58.090, RCW 36.70A.480 and the applicable SMP guidelines (WAC 173-26-171 through 251) as well as the definitions in WAC 173-26-020 and WAC 173-27.

Ecology concludes that the proposed comprehensive update and periodic review, subject to required changes (Attachment B), satisfy SMP amendment approval criteria found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendment including required changes (Attachment B), will not foster uncoordinated and piecemeal development of the state’s shorelines (WAC 173-26-201(1)(c)(i) and is expected to result in no net loss of shoreline ecological functions through implementation of the updated SMP (WAC 173-26-201(1)(c)(iv)). This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program, per the standards of WAC 173-26-201(2)(c).

Ecology also concludes that a separate set of recommended changes to the proposed amendment (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required but have been reviewed for consistency and can, if accepted by the City, be included in Ecology's approved SMP amendment.

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that, subject to and including Ecology's required changes, the SMP provides a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that the City has chosen *not* to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction the buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall apply to the designated critical area and buffer located within SMA jurisdiction, but not the portion of the buffer area that lies outside of SMA jurisdiction.

Ecology concludes those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy - RCW 90.58.090(5).

Ecology concludes that the City complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update process.

Ecology concludes that the City has complied with the purpose and intent of the local update process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from Tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's SMP submittal to Ecology was complete pursuant to the requirements of WAC 173-26-090, WAC 173-26-100, WAC 173-26-110 and WAC 173-26-201(3)(a) and (h), including the SMP Submittal Checklist and Periodic Review Checklist and included both the comprehensive update and periodic review components.

Ecology concludes that we have complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes the City's final legislative action will serve to complete the comprehensive SMP update required by RCW 90.58.080(2).

Ecology concludes that the City has reviewed applicable state laws and rules adopted during the local SMP drafting and adoption process, identified clarifications and incorporated those changes into the final locally adopted SMP. Ecology concludes the City's final legislative action in completing the comprehensive SMP update required by RCW 90.58.080(2) will therefore also serve to meet the City's obligation to conduct a periodic review of the SMP at RCW 90.58.080(4).

Decision and Effective Date

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP are consistent with the policy of the Shoreline Management Act, the applicable Guidelines and implementing rules, once required changes set forth in Attachment B are accepted by the City. Ecology has also determined that the SMP could benefit from incorporation of the recommended changes identified in Attachment C. The City may choose to adopt some or all of the recommended changes in Attachment C. Pursuant to RCW 90.58.090(2)(e), the City must notify Ecology of the approval or denial of the recommended changes.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then we shall approve the alternative proposal and that action shall be the final action.

Upon written receipt of the City's acceptance of Ecology's required changes and decision to include, propose alternative language, or reject Ecology's recommended changes, Ecology will take final action on this SMP comprehensive update and periodic review. Ecology's approval of the SMP, with all changes as accepted, will become effective 14 days from Ecology's final action approving the amendment.

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

The following changes are required to ensure consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
1.	2. Administrative Provisions	<p>2.4.3 Application Review & Processing</p> <p><u>4. The City shall use an existing, or establish a new, mechanism for tracking all project review actions in shoreline areas, and a process to evaluate the cumulative effects of all authorized development on shoreline conditions.</u></p>	<p>The SMP is missing a provision that establishes a mechanism for tracking and occasionally evaluating the cumulative effects of all project review actions in shoreline areas per WAC 173-26-191(2)(a)(iii)(D):</p> <p><i>Documentation of project review actions and changing conditions in shoreline areas. Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions. This process could involve a joint effort by local governments, state resource agencies, affected Indian tribes, and other parties.</i></p> <p>SMP Submittal Checklist item at page 37 identifies SMP Section 1.9 Periodic Review & Amendments to the Shoreline Master Program as satisfying this requirement. While the SMP periodic review may be an appropriate time and process to complete the evaluation, the noted provision does not establish a mechanism for documenting permit review actions.</p> <p>Ecology requires revision to establish use of the City’s existing/future permit tracking system for consistency with WAC 173-26-191(2)(a)(iii)(D).</p>
2.	2.5 Minor Project Authorizations (MPA)	<p>2.5.1 Minor Project Authorizations – Interpretation & Guidelines</p> <p>The SMA and the SMP Guidelines contemplate a cooperative program between the City and the state. In this cooperation, the state requires local involvement during the review of all review activities; however, the state is only involved during the review of Shoreline Permits (i.e., Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances). Where the SMP Guidelines designate the former as “exemptions” from the state’s involvement <u>SSDP permit process</u>, this SMP designates them as Minor Project Authorizations to reflect that the project is not exempt from compliance with this SMP. The following guidelines shall assist in determining whether or not a proposed review activity is exempt from state involvement <u>the SSDP permit process</u> during its review and therefore may be approved through a Minor Project Authorization: ...</p> <p>6. The following list outlines common state process exemptions that shall not be considered substantial developments for the purpose of this SMP. This list of exemptions is further articulated and supplemented by provisions of WAC 173-27-040, as amended. [delete all of a – j]</p>	<p>As written, the phrasing is inaccurate. Local government is lead on all project review/permits with ECY having final approval authority only for SCUPs and SVARs. WAC 173-27-040 exempts certain activities from an SSDP, which the City is renaming as “Minor Project Authorization”, but the City still needs to follow the process outlined in -040 and -050 that includes ECY involvement.</p> <p>Ecology requires revision for consistency with WAC 173-27-040, and for accuracy & clarity.</p> <p>6 - As presented, the list of common exemptions is a paraphrased and incomplete version of the exemptions established by RCW 90.58.030(3.e) and WAC 173-27-040; the City’s abbreviated list omits many exempt activities making this provision inaccurate/misleading.</p> <p>In consultation with City staff, the preferred approach is to rely on the WAC list via citation and provide a short list of the most common examples. Without including the full text of the WAC list, the opening clause of #6 needs to be stronger to clarify that the WAC</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p>a. Any development of which the total cost or fair market value, whichever is higher, is below the threshold established by the SMA and any amendments to the SMA, if such development does not materially interfere with the normal public use of the water or shoreline. ...</p> <p>...</p> <p>j. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 USC Section 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</p> <p><u>6. As determined by 2.5.1(1) – (5) above, only the exemptions as fully described and listed in WAC 173-27-040 shall be authorized. Some common examples include:</u></p> <ul style="list-style-type: none"> <u>• Low Cost or Fair Market Value</u> <u>• Normal Maintenance or Repair</u> <u>• Single-family Home; Residential Dock</u> <u>• Watershed Restoration; Habitat & Fish Passage Improvement</u> <u>• ADA Retrofits</u> 	<p>prevails over any examples listed therein. SMP Submittal Checklist addresses this item on page 36:</p> <p>Exemptions: <i>Must implement exemption procedures in accordance with WAC 173-27-040(1).</i></p> <p>Ecology requires revision for consistency with WAC 173-27-040(1).</p>
3.	4.3 Environmental Protection & No Net Loss	<p>4.3.1 Policies</p> <p><u>1. This SMP establishes a policy and regulatory framework designed to achieve no net loss of shoreline ecological functions. This is achieved using a combination of the following:</u></p> <p><u>a. Chapter 4 General Provisions for All Shoreline Activities and incorporated critical areas provisions with established critical area protection standards including buffers. The Critical Area Buffer establishes the area that must meet mitigation sequencing and compensation for unavoidable adverse impacts.</u></p> <p><u>b. Chapter 5 Shoreline Use Regulations with established allowed, conditional, and prohibited uses. This section also determines the Shoreline Setback for each foreseeable use based upon shoreline environment designation and water-orientation. Setbacks establish the area that excludes new development or uses, except as expressly allowed.</u></p> <p><u>c. Chapter 6 Shoreline Modification Provisions with established allowed modifications table and vegetation removal policies, regulations, and mitigation standards.</u></p> <p>2. Uses, developments, and modifications on Stevenson’s shorelines... <u>[renumber the policies that follow as # 2 and #3]</u></p> <p>4.3.2 Regulations</p>	<p>Policy 1 and Regulation 6 - As written, the SMP’s overall strategy for how the shoreline setbacks, critical area buffers, and vegetation standards apply needs to be more clear, consistent with the following:</p> <p>WAC 173-26-186 Governing Principles of the Guidelines</p> <p><i>(8)(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.</i></p> <p><i>(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.</i></p> <p><i>(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.</i></p> <p>WAC 173-26 191(2)(a) provides in relevant part:</p> <p><i>(i) Master program policies. Master programs shall provide clear, consistent policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and nonregulatory actions by a local government. Master</i></p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p><u>6. Environmental protection and no net loss shall be achieved by complying with the combination of use regulations, shoreline setbacks, critical area buffers, and vegetation removal restrictions:</u></p> <p><u>a. Shoreline Allowances & Setbacks - Table 5.1 establishes a list of permitted, conditional, and prohibited uses in each shoreline environment designation (SED). This table also establishes the minimum shoreline setback applicable to each use, activity, or development within each SED where development cannot occur; and</u></p> <p><u>b. Critical Areas Buffers - Section 4.4 Critical Area provisions, including separately incorporated SMC 18.13 provisions that establish Wetland and Riparian buffer standards as additional areas where mitigation sequencing must be applied and unavoidable impacts must be mitigated; and</u></p> <p><u>c. Modifications & Vegetation - Shoreline modification standards, vegetation standards, and prescriptive mitigation measures of Chapter 6 apply to all vegetation impacts occurring within shoreline jurisdiction.</u></p>	<p><i>program policies provide a comprehensive foundation for the shoreline master program regulations, which are more specific, standards used to evaluate shoreline development.</i></p> <p>WAC 173-26-201(2)(c) provides in relevant part: <i>Master programs shall contain policies and regulations that assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:</i></p> <ul style="list-style-type: none"> • <i>Environment designations with appropriate use and development standards; and</i> • <i>Provisions to address the impacts of specific common shoreline uses, development activities and modification actions; and</i> • <i>Provisions for the protection of critical areas within the shoreline; and</i> • <i>Provisions for mitigation measures and methods to address unanticipated impacts.</i> <p>WAC 173-26-191(2)(a)(ii)(A) provides that SMP regulations shall: <i>(A) Be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies;</i></p> <p>Ecology requires revisions for consistency with WAC requirements and better clarity for applicants and practitioners alike. While the inserted provisions could be reduced to more concise language, too much brevity may fall short of the intent to reduce misunderstanding. See also related item for SMP 4.4.2 below.</p>
4.	4.4 Critical Areas	<p>4.4.1 Applicability</p> <p>1. The provisions of SMC Chapter 18.13 – Critical Areas and Natural Resource Lands <u>(Ordinance #2018-1123, dated October 1, 2018) are hereby incorporated into this SMP, with exception of the following provisions that do not apply in shoreline jurisdiction: apply within shoreline jurisdiction. Said provisions include all amendments adopted through October 1st, 2018, the effective date of Ordinance 2018-1123.</u></p> <p><u>a. 18.13.015 Administrative Provisions;</u></p> <p><u>b. 18.13.025 Exemptions, Exceptions & Expedited Review – Subsections A, B, and C; and D.2 – 6;</u></p> <p><u>c. 18.13.035 Critical Areas Permit – Application - Subsections A – C, and E – G;</u></p> <p><u>d. 18.13.040 Critical Areas Permit – Review & Approval;</u></p> <p><u>e. 18.13.065 Appeals;</u></p> <p><u>f. 18.13.100 Wetlands - Subsection B.4; and</u></p>	<p>1 – As presented, the phrasing of the CAO incorporation needs improvement to better indicate a ‘hard reference’ incorporation as described in WAC 173-26-191(2.a.iii.D). The required changes proposed here are necessary to clarify that the SMP is regulating shoreline critical areas via the incorporated CAO provisions.</p> <p>WAC 173-26-191(2)(b) provides, in relevant part, <i>Shoreline master programs may include other policies and regulations by referencing a specific, dated edition. When including referenced regulations within a master program, local governments shall ensure that the public has an opportunity to participate in the formulation of the regulations or in their incorporation into the master program, as called for in WAC 173-26-201 (3)(b)(i). In the approval process the department will review the referenced development regulation sections as part of the master program. A copy of the referenced regulations shall be submitted to the department with the proposed master program or amendment. If the development regulation is amended, the edition referenced within the master program will still be the operative regulation in the master program.</i></p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p><u>g. Any provision based upon reasonable use, permit types or requirement, and appeals process or procedures that is inconsistent with the requirements of the SMP or WAC 173-27.</u></p> <p>2. <u>Critical areas located within shoreline jurisdiction shall be regulated by this SMP. The incorporated critical areas provisions shall be liberally construed together with the SMP to give full effect to the objectives and purposes of the provisions of the SMP and the Shoreline Management Act (SMA).</u> These provisions apply to all lands and all review activities in shoreline jurisdiction, whether or not a Shoreline Permit or authorization is required....</p> <p>4. This section supplements SMC 18.13 provisions for <u>Geologically Hazardous Areas</u>, Fish & Wildlife Habitat Conservation Areas, and Wetlands.</p> <p>5. Where the regulations of SMC 18.13 conflict with the regulations of this SMP, this SMP shall prevail.</p>	<p><i>Changing the referenced regulations in the master program to the new edition will require a master program amendment.</i></p> <p>1.a – g - While this provision adopts the city’s CAO by reference, some CAO provisions do not apply in shoreline jurisdiction. The required changes proposed here better specify the exceptions to applying the CAO to shorelines to avoid conflict and inconsistency, such as reasonable use by shoreline variance, allowed/exempt activities, exempt wetlands, critical areas permit, appeal processes, etc. The identified exclusions to the incorporated CAO are necessary to ensure that critical areas protection, use prioritization, reviews, and permitting are conducted consistent with the SMA and Guidelines.</p> <p>Buffer reductions and allowances contained within 18.13.025 and 18.13.100(B)(4) are not consistent with Ecology’s moderate risk approach guidance or with WAC 173-26-186(8), which direct master programs to “include policies and regulations designed to achieve no net loss of those ecological functions.” 2 – Liberal construction principles of RCW 90.58.900 apply to all SMP provisions including the incorporated critical areas provisions.</p> <p>4 – The CAO provisions for Geologically Hazardous areas also apply within shoreline jurisdiction.</p> <p>5 – Given the proposed edits to #2 above, Ecology agrees with the City staff suggested deletion of this provision as no longer necessary.</p> <p>Ecology requires these revisions for consistency with statute and WAC requirements, and for added clarity. See also related item for SMP 4.4 below. See also Periodic Review Checklist #2010.a.</p>
5.	4.4 Critical Areas	<p>4.4.2 Policies</p> <p>5. Establish riparian area buffers based upon the performance of functions, occurring at the reach scale for the shoreline in question. This may lead to base buffer widths that are greater or lesser than the standard identified in SMC Table 18.13.095-1. Despite any reduced base buffer, significant trees and Oregon White Oak trees within shoreline jurisdiction shall be managed consistent with SMP Section 6.4.1.</p>	<p>WAC 173-26-191 requires the City to complete a reach analysis as part of the inventory and characterization process to consider existing conditions and current science. This information is then to be used to prepare the SMP provisions, including shoreline buffers and/or setbacks. Reach specific riparian area buffer standards should be established during this SMP Comprehensive Update process, based on the City’s Inventory and Characterization, not left for later evaluation. However, as presented the SMP appears to be deferring buffer establishment to the project level. This will result in an SMP that is not consistent with the requirement of WAC 173-26-191(2)(a)(ii)(A) for regulations to:</p> <p><i>“be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies”</i></p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
			<p>Ecology requires revision to remove this ‘reach scale/base buffer’ provision for consistency with WAC 173-26 191(2):</p> <p>Basic requirements. <i>This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act.</i></p>
6.	4.4 Critical Areas	<p>4.4.3 General Critical Area Regulations</p> <p><u>4. New development and the creation of new lots are prohibited in all SEDs when they would cause foreseeable risk from geological conditions, or require structural flood hazard reduction measures in the floodway or CMZ, during the life of the development, consistent with SMP Section 5.4.8 Land Division, and other provisions of this Program.</u></p>	<p>SMP 5.4.8(4) Land Division Regulations address shoreline stabilization and flood hazard as a matter of ‘layout’:</p> <p><i>b. The layout of lots within 1) new plats and subdivisions, 2) plat amendments, or 3) boundary line adjustments shall:</i></p> <p><i>i. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.</i></p> <p><i>ii. Not result in lots containing inadequate buildable space due to critical areas and/or their buffers.</i></p> <p>Ecology requires revision for consistency with WAC 173-26-221:</p> <p><i>(2)(c)(ii)(B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.</i></p> <p><i>(3)(c)(i) ...New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway...</i></p> <p>The SMP Land Division regulation addresses both stabilization and flood structures, but only applies to subdivisions. The SMP also needs to address the WAC requirements for new development.</p> <p>Ecology requires revision to add a provision for consistency with WAC 173-26-221</p>
7.	4.4 Critical Areas	<p>4.4.4 Fish & Wildlife Habitat Conservation Area Regulations</p> <p>1. Any use, or development, <u>or modification</u> proposed within or adjacent to an FWHCA with which state or federally endangered, threatened, or sensitive species have a primary association...</p> <p>2. Applicants shall provide a preliminary FWHCA assessment for all proposals involving riparian areas. The assessment must establish and/or confirm <u>recognize</u> the base buffer</p>	<p>1 - In discussion with City staff it was determined that these provisions should apply to uses, developments, <i>and</i> modifications. This is consistent with the City’s SMP framework and terminology. Ecology requires revision to add ‘modification’ per City’s request.</p> <p>2 – Related to edits at 4.4.2(5) above, delete the term ‘base’.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p>necessary to ensure no net loss of ecological functions occurring at the reach-scale for the riparian area in question.</p> <p>3. The City or its qualified professional biologist shall condition the approval of activities located in the FWHCA or its buffer as necessary. Approval conditions shall require the applicant to mitigate any potential adverse impacts according to the approved critical area report, mitigation, and monitoring plans.</p>	<p>3 - It is the City not a qualified professional biologist that has the authority to make decisions on shoreline permits and authorizations. The City may rely on or consider recommendations for conditions of approval provided by its qualified professional biologist, but only the City may condition approvals through its decision making authority. Ecology requires revision to correct this error.</p>
8.	4.4 Critical Areas	<p>4.4.6 Wetlands Regulations</p> <p>1. <u>All wetland review activities, as defined, shall be subject to these regulations.</u></p> <p>1. 2. No net loss of wetland <u>area</u>, functions and values, <u>including lost time when the wetland does not perform the function</u>, shall occur as a result of the overall project's <u>wetland review activities</u>. Only unavoidable wetland impacts will be authorized. In addition to the requirements in SMP Section 4.3, the following mitigation measures to minimize and reduce wetland impacts shall be required:</p> <ul style="list-style-type: none"> a. Mitigation shall achieve equivalent or greater biological functions. b. Mitigation actions shall rely on the order of preference in SMC 18.13.100, however, wetland preservation alone shall not be considered as achieving the no net loss standard of this SMP. <p>2. Permitted Alterations in High Value Wetlands. Prior to approval of any Shoreline Permit in Category I or II wetland or their buffers, the City shall verify that:</p> <ul style="list-style-type: none"> a. The proposed project involves water-oriented activities, including public physical access. b. The mitigation for impacts shall preferably be within the same wetland or wetland buffer, but if that is not feasible given the size or scale of the water-oriented use, then mitigation occurs in accordance with SMC 18.13.100 and this section. c. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland or its buffer using other design techniques, project location or configuration on the same project site. 	<p>In consultation with City staff, Ecology requires revision for consistency with WAC 173-26-221(2.c.i.A) and current technical guidance, and for accuracy & clarity; the revisions suggested here are presented as a new #1, subsequent provisions would be renumbered.</p> <p>1 - Ecology finds that the SMP does not comply with wetland review requirements. After consultation with City staff, proposed revisions include edits to this section as well as the addition of a definition for 'wetland review activities' to Chapter 7.</p> <p>2 – Ecology requires revision for consistency with WAC 173-26-221(2.c.i.A) and WAC 173-26-221(2)(c)(i)(C), for internal consistency with the SMP no net loss standard, and as necessary to incorporate the most current, accurate and complete scientific or technical information as required per WAC 173-26-201(2)(a).</p> <p>Deletion - Ecology requires revision for consistency with WAC 173-26-201(2)(a) and WAC 173-26-201(2)(c). Wetlands within shoreline jurisdiction contribute to the shoreline ecological function, therefore all wetlands (regardless of size or category) must be protected within the shoreline. Also, mitigation sequencing shall be applicable to all wetland and wetland buffer impacts. As written, this provision for 'permitted alterations in high value wetlands' is inconsistent with requirement for avoidance & minimization, and appears to be an outright allowance for alteration based on very broad use classifications of 'water-oriented' and 'public access'. Deviation from the incorporated provisions of SMC 18.13 can only be authorized by a shoreline variance. In consultation with City staff, deletion of the entire provision will eliminate WAC inconsistency and the conflict with other applicable SMP provisions.</p>
9.	4.5 Flood Hazard Reduction	<p>4.5.3 Frequently Flooded Area and CMZ Regulations</p> <p>1. New or enlarged structural flood hazard reduction measures shall be allowed only by a shoreline conditional use permit and only when:</p> <ul style="list-style-type: none"> a. It can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development; b. That aNonstructural measures are not feasible; 	<p>Ecology requires revision for consistency with WAC 173-26-221(3).</p> <p>Overall, this section cites to the SMC 18.13 CAO that cites to SMC 15.24 Floodplain Management Regulations. Neither the SMP or CAO meet the requirements of WAC 173-26-221(3):</p> <p><i>(c.i) ... The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:</i></p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p>c. Impacts to ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss; and</p> <p>d. Vegetation standards consistent with SMP Section 6.4.1 are implemented. <u>and</u></p> <p><u>e. Located landward of associated wetlands and buffer areas, except for actions that increase ecological functions, such as wetland restoration, where no alternative exists as documented in a geotechnical analysis.</u></p> <p>...</p> <p><u>3. Only the following new uses and development activities may be appropriate and/or necessary within the channel migration zone or floodway:</u></p> <p>a. <u>Actions that protect or restore the ecosystem-wide processes or ecological functions.</u></p> <p>b. <u>Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.</u></p> <p>c. <u>Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.</u></p> <p>d. <u>Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).</u></p> <p>e. <u>Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.</u></p> <p>f. <u>Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.</u></p> <p>g. <u>Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.</u></p> <p>h. <u>Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.</u></p> <p>i. <u>Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.</u></p> <p>j. <u>Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.</u></p>	<ul style="list-style-type: none"> • <i>Actions that protect or restore the ecosystem-wide processes or ecological functions.</i> • <i>Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.</i> • <i>Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.</i> • <i>Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).</i> • <i>Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost...</i> • <i>Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.</i> • <i>Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.</i> • <i>Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.</i> • <i>Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.</i> • <i>Measures to reduce shoreline erosion...</i> <p><i>(c.iii) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.</i></p> <p>1.b – City staff suggested edit for phrasing.</p> <p>1.e – SMP is missing the required provision for location landward of wetlands.</p> <p>3 – SMP is missing a provision to satisfy WAC 173-26-221(3.b) and (3.c.i)</p>

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10.	4.6 Public Access	<p>4.6.3 Regulations</p> <p>1. Consistent with legal/constitutional limitations, provisions for adequate public access shall be incorporated into all proposals for Shoreline Permits that have one or more of the following characteristics:</p> <p>a. The proposed development or use will create a demand for, or increase demand for public access;</p> <p>b. The proposed use is not water-dependent and is not a preferred use under the SMA water-enjoyment, water-related, or non water-dependent, except for individual single-family residences not part of a development planned for 5 or more parcels.</p>	<p>As written, this provision is not consistent with WAC 173-26-221(4.d.iii):</p> <p><i>Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:</i></p> <p>(A) <i>Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).</i></p> <p>(B) <i>Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.</i></p> <p><i>In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.</i></p> <p>(C) <i>For individual single-family residences not part of a development planned for more than four parcels.</i></p> <p>Ecology requires revision for consistency with WAC 173-26-221(4.d.iii).</p>						
11.	5. Shoreline Use Regulations	<p>5.2 Provisions Applicable to All Uses</p> <p>1. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, the following preferences and priorities shall apply in the order listed below:</p> <p>a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.</p> <p>b. Reserve shoreline areas for water-dependent and associated water-related uses.</p> <p>c. Allow mixed uses projects that include or support water-dependent uses. 15</p> <p>d. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.</p> <p>e. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.</p> <p>f. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the SMA.</p> <p>2. e- New uses and development shall be subject to the setback requirements and height limitations contained in <u>Section 5.3 Shoreline use Table, including</u> Table 5.1 – Shoreline Use & Dimensional <u>Setback</u> Standards.</p>	<p>1.a – f – The provisions a- d accurately reflect RCW 90.58.020 and WAC 173-26-201(2.d) that establish the required order of use preference, however the last two WAC items regarding single-family residential, and non-water oriented uses were omitted as presented.</p> <p>Ecology requires revisions for consistency with WAC 173-26-201(2.d).</p> <p>2 – As presented, this provision about setbacks & height limits is included as part of the established order of use preference, and is inconsistent with WAC 173.26-201(2.d), therefore better formatted as a separate item.</p> <p>In collaboration with a City staff suggested edit, Ecology recommends revision for accuracy and clarification.</p>						
12.	5.3 Shoreline Use Table	<table border="1"> <tr> <th colspan="2" data-bbox="443 1383 1507 1421">Table 5.1 – Shoreline Use & Setback Standards</th> </tr> <tr> <td data-bbox="443 1421 701 1461"></td> <td data-bbox="701 1421 1507 1461">Shoreline Environment Designation</td> </tr> <tr> <td data-bbox="443 1461 701 1490"></td> <td data-bbox="701 1461 1507 1490">Most Restrictive ————— to ————— Least Restrictive</td> </tr> </table>	Table 5.1 – Shoreline Use & Setback Standards			Shoreline Environment Designation		Most Restrictive ————— to ————— Least Restrictive	<p>Header Row - Based on the SED purpose & criteria, there is not an exact order of protectiveness by which these are presented. In discussion with City staff, Ecology</p>
Table 5.1 – Shoreline Use & Setback Standards									
	Shoreline Environment Designation								
	Most Restrictive ————— to ————— Least Restrictive								

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		<p>limited. or b) the site is physically separated from the shoreline by another property or public right-of-way</p>	
13.	5.4.2 Aquaculture	<p>5.4.2 Aquaculture 1. Location Description. Aquaculture uses <u>do not currently exist along Stevenson’s shorelines. are limited and largely incompatible with Stevenson’s vision for its shorelines.</u> 2. Applicability. This SMP applies to all proposed aquaculture uses. Aquaculture is the culture of farming of fish, shellfish, or other aquatic plants and animals. Upland finfish rearing facilities as defined in this SMP meet the definition of “agricultural <u>facilities/equipment activities.</u>” Nevertheless, these facilities are regulated <u>as non-water oriented aquaculture</u> by the provisions of this section and not SMP Section 5.4.1. 3. Policies: a. New aquaculture uses should be discouraged within Stevenson’s shoreline jurisdiction. <u>ab.</u> Because aquaculture is an activity of statewide interest, aquaculture may be considered as a Shoreline Conditional Use Permit (SCUP)... 4. Regulations: ... f. Non-water-oriented portions of aquaculture facilities (e.g., parking lots, offices, storage, dorm or sleeping quarters, etc.) shall be placed upland of water-oriented aquaculture uses. Such upland areas must be appropriate for the appurtenant and accessory development, including necessary infrastructure.</p>	<p>Locally regulating upland finfish rearing facilities (UFRF) as Aquaculture, rather than Agriculture, is an acceptable approach but the proposed text is confusing. Ecology requires revision for consistency with WAC 173-26-241(3.b).</p> <p>1 – If true, current conditions are better described as ‘nonexistent’. For Shorelines of Statewide Significance (e.g. Columbia River) the statewide interest is favored over local interest/community vision. As written, this statement conflicts with the policy below that identifies Aquaculture as a water-dependent, preferred use.</p> <p>2 – This reference to an Agriculture definition is incorrect; UFRFs are noted in the definition for Ag Facilities/Equipment (RCW 90.58.065); In collaboration with City staff, add clarifier about UFRFs as non-water oriented.</p> <p>3.a – As a preferred, water-dependent use of statewide interest, aquaculture is not to be discouraged. [renumber the remaining policies in this section as necessary]</p> <p>4.f – City staff suggested edit to delete ‘appurtenance’ and use ‘accessory’ consistent with the Chapter 7 definition that is specific only to single-family residences. Ecology supports this edit for accuracy.</p>
14.	5.4.3 Boating Facilities & Overwater Structures	<p>3. Policies a. Boating facilities and overwater structures <u>only</u> for water-dependent uses or for public access should be allowed, provided they can be located, designed, and constructed in a way that results in no net loss of shoreline ecological functions. <u>Docks associated with single family residences are defined as water dependent uses only when they are designed and intended as a facility for access to watercraft.</u> <u>b.</u> In addition to achieving no net loss, boating facilities and overwater structures should locate where they will be compatible with neighboring uses, including navigational and aesthetic considerations and tribal treaty fisheries. 4. Regulations</p>	<p>WAC 173-26-231(3)(b) only allows SFR piers & docks as a water-dependent use when they are for access to watercraft; and requires joint-use or community docks for 2 or more residences: <i>“...a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section” ...</i></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>Policies 3.a – Clarify to limit boating facilities only for water-dependent use or public access, and to add clarifying language re: SFR docks per WAC 173-26-231(3.b); Further there is no</p>

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		<p>c. Boating facilities and overwater structures shall only be permitted where it can be demonstrated that:</p> <p>i. <u>The use is water-dependent or public access;</u></p> <p>ii. The proposed site has the flushing capacity required to maintain water quality; ...</p> <p>...</p> <p>g. Boating facilities and private overwater structures shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for surface-water users during the day or night.</p> <p><u>m. Single-user residential docks are water dependent uses only when demonstrated they are to be designed and intended as a facility for access to watercraft. New residential piers or docks for two (2) or more dwellings shall provide joint-use or community dock facilities, when feasible, rather than allow individual docks for each residence.</u></p>	<p>related regulation to implement this policy re: only water-dependent or public access – hence the related edit to Reg #4.c below.</p> <p>3.b – Separate the second clause of ‘a’ to a separate provision ‘b’; subsequent items to be renumbered as needed.</p> <p>Regulations</p> <p>4. c – Add language to implement Policy 3.a as noted above.</p> <p>4.g – As written, public overwater structures would not have to be marked with reflectors.</p> <p>4.m – Add provision to address single-user and joint use residential docks for internal consistency with Table 5-1.</p> <p>Ecology requires revisions for accuracy, consistency with WAC 173-26-231(3.b) and internal consistency.</p>
15.	5.4.10 Residential Development	<p>1. Location Description. Single-Family and Multi-Family residential development exists and is planned for several areas of Stevenson’s shoreline jurisdiction. The SMA considers single-family residences and their appurtenant structures to be priority preferred uses similar to water-dependent uses (e.g., ports, recreational uses, public access, commercial and industrial developments).</p> <p>3. Policies:</p> <p>a. Development of single-family residential homes and appurtenant structures are priority preferred uses under the SMA only when consistent with the control of pollution and prevention of damage to natural resources...</p>	<p>Consistent with WAC 173-26-241(3.j), single family residential use may be considered a <i>priority</i> when pollution and damage are avoided. This priority is separate, and different from, the required order of use <i>preference</i> established by WAC 173-26-201(2.d) where single family residential use is recognized well after ecological functions, water-oriented and mixed use activities. As written, the Location Description and Policy #3.a are incorrect in referring to single-family residential use as preferred, and inconsistent with rule requirements.</p> <p>Ecology requires text revisions for consistency with WAC 173-26-241(3.j).</p>
16.	5.4.10 Residential Development	<p>4. Regulations:</p> <p>a. New single-family homes are prohibited within the <u>Aquatic, Natural, and</u> Active Waterfront SED.</p>	<p>As written, this text prohibits SFR only in Active Waterfront SED, however the 5.3 Shoreline Use Table 5-1 shows SFR prohibited in Aquatic, Natural, and Active Waterfront. SMP 5.2.2 states the text shall take precedence in the event of conflict with the Table. We presume the Table is a correct reflection of the City’s intent and the text needs to be fixed to avoid such conflict.</p>

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			Ecology requires revision for consistency with WAC 173-26-241(3)(j) and internal consistency with 5.3 Shoreline Use Table 5-1 and SMP Section 5.4.10(4.b) prohibiting new over-water residences.
17.	5.4.11 Transportation & Parking Facilities	<p>4. Regulations: h. All of the following conditions shall be met when an accessory parking facility is proposed in the shoreline jurisdiction:</p> <ul style="list-style-type: none"> i. The facilities servicing water dependent and non-water oriented uses shall be located landward, adjacent to, beneath or within the building being served. The facilities servicing water related and water enjoyment uses shall give first preference for location landward, adjacent to, beneath, or within the building being served. 	<p>As written, this provision is not consistent with WAC 173-26-241(3)(k): <i>... Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. ...Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. ...</i></p> <p>Location of the primary use/structure is already established by its water-oriented status, so the location of accessory parking doesn't need to rely on water-oriented status. Allowing additional flexibility for water-related and water-enjoyment beyond what is allowed for water-dependent is not consistent with the order of use preference. In no case should accessory parking be located waterward of the primary use/structure.</p> <p>Ecology requires revision for consistency with WAC 173-26-241(3)(k).</p>
18.	6.4.1 Vegetation Removal	<p>1. Applicability: ... d. The provisions of <u>this section</u> and SMC 18.13.095 apply to all vegetation removal within 150 ft of the OHWM or such other buffer as established in SMP Section 4.4.</p>	Change required to fix a typo or clerical error. This provision is unfinished and wording is unclear. Ecology requires revision for 1.d to read as intended.
19.	6.4.1 Vegetation Removal	<p>3. Regulations - General g. Mitigation Area, Monitoring.</p> <ul style="list-style-type: none"> i. The project shall be monitored annually for 5 years to document plant survivorship. ii. Monitoring reports shall be provided to the Administrator once per year. iii. The planted mitigation area shall achieve a plant survival standard of 80% at the end of 5 years. iv. Monitoring results may require additional/replacement planting to meet the survival standard. If the survival standard is not met, then additional planting may be required <u>and the monitoring period extended.</u> v. In lieu of monitoring, a <u>A</u> conservation covenant may be established which prevents future development or alteration within the mitigation area. 	<p>Ecology requires revision for consistency with WAC 173-26-201(2)(a) requirement for use of scientific and technical information, consistent with Ecology's most recent Wetland Guidance for CAOs and Wetland Mitigation Guidance, and for consistency with the ecological protection and no net loss standards of WAC 173-26-201(2)(c).</p> <p>g.iv – If replanting is required, additional monitoring is appropriate to ensure survival.</p> <p>g.v - The conservation covenant should not be in lieu of monitoring. This would mean an area would be protected but if the planting totally fails, it's going to have pretty low functionality and be an invitation for invasive weeds and not provide the ecological functions intended.</p>
20.	6.4.3 Shoreline Stabilization	<p>3. Regulations: d. When new, enlarged, or replacement structural shoreline stabilization is demonstrated to be necessary per the above requirements of subsections e and f below, it shall:</p> <ul style="list-style-type: none"> i. Be the minimum size necessary and shall meet no net loss. Soft stabilization measures shall be implemented unless demonstrated not to be sufficient... 	<p>d - As written, the phrasing with both 'above' and 'below' is inaccurate.</p> <p>d.iv - For GeoHaz areas, the SMP lacks any provision for residential primary structures required by WAC 173-26-221(2.c.ii.D) here in 6.4.3 Shoreline Stabilization or in SMP 4.4 Critical Areas.</p>

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		<p><u>iv. For residential primary structures in a geologically hazardous area or its buffer, demonstrate no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure.</u></p>	<p>Ecology requires revision for accuracy and consistency with WAC 173-26-221(2.c.ii.D).</p>
21.	6.4.4 Shoreline Restoration	<p>2. Policies b. Ecological enhancement and restoration measures occurring on Stevenson's shorelines should not interfere with the establishment of other preferred shoreline and uses, especially in the Active Waterfront SED.</p>	<p>RCW 90.58.020 and WAC 173-26-201(2.d) establish the required order of use preference where 'protection & restoration of ecological functions' is the top preference before water-dependent & associated water-related uses, and other categories as listed - also established at SMP 5.2 Provisions Applicable to All Uses. This Policy 2.b conflicts with the WAC order of use preference and is internally inconsistent with SMP 5.2</p> <p>Ecology requires revision to delete this conflicting provision.</p>
22.	7. Definitions	<p>Floodway – The area, as identified in this SMP, that either: i) Has been established in effective FEMA flood insurance rate maps or floodway maps; or ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, t The floodway does not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.</p>	<p>The statutory definition includes two options and the City's SMC 18.13.105 Frequently Flooded Areas regulations rely on the current FEMA FIRMS and SMC 15.24 Floodplain Management Regulations, so using the language of option (i) would ensure internal consistency.</p> <p>Ecology requires revision for consistency with RCW 90.58.030. See also Periodic Review Checklist #2007.a.</p>
23.	7. Definitions	<p>Lake – See WAC 173-22-030 – Definitions. An area permanently inundated by water in excess of 2 meters deep and greater than 20 acres in size measured at the OHWM. A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream.</p>	<p>The 20 acre size for jurisdiction is established by RCW 90.58.030 and at SMP 1.3.1; the source of the '2-meter deep permanent inundation' criterion in this definition is unclear. As presented, this definition is not consistent with WAC 173-22-030:</p> <p><i>"Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream.</i></p> <p>Ecology requires revision for consistency with WAC 173-22-030, and supports the City staff suggested addition of the WAC citation cross reference.</p>
24.	7. Definitions	<p>Review Activity, Wetland – Those activities identified in WAC 173-26-221(2.c.i.A) (i.e., the dumping, discharging or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater; the draining, flooding, or disturbing of the</p>	<p>Related to 4.4.6 above, neither the SMP nor the incorporated critical area provisions of SMC 18.13 specify these activities as required by WAC 173-26-221(2.c.i.A):</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p><u>water level, duration of inundation, or water table; the driving of pilings; the placing of obstructions; the construction, reconstruction, demolition, or expansion of any structure; significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; other uses or developments that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or activities reducing the functions of buffers described in WAC 173-26-221(2.c.i.D)).</u></p>	<p>Regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function:</p> <ul style="list-style-type: none"> • The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind; • The dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater; • The draining, flooding, or disturbing of the water level, duration of inundation, or water table; • The driving of pilings; • The placing of obstructions; • The construction, reconstruction, demolition, or expansion of any structure; • Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; • Other uses or development that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or • Activities reducing the functions of buffers described in (c)(i)(D) of this subsection. <p>Ecology requires revision to ensure WAC consistency and supports the City staff suggested approach of establishing and defining the term ‘wetland review activity’.</p>
25.	7. Definitions	<p>Should – <u>See WAC 173-26-020 – Definitions.</u> A strong preference; a particular action is required unless there is a demonstrated, compelling reason, based on a policy of the SMA, <u>the Guidelines</u>, and this SMP, against taking the action.</p>	<p>Not consistent with WAC 173-26-020: (37) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.</p> <p>Ecology requires text revision for consistency with WAC 173-26-020(37), and supports the additional edit suggested by City staff to add a specific WAC citation for internal consistency with other cross references. See also Recommended changes to Chapter 7 Definitions in Attachment C.</p>

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>nsure 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 <u>s</u> 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>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		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 202118	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 <u>Minor Project Authorizations</u> 2.5.1 Exemptions Minor Project Authorizations – Interpretation and Guidelines 2.5.2 Statement of Exemption Process <u>Minor Project Authorization Process</u>	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.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
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. 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</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>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<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.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<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>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
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 <u>structures</u> (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>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		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>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
			<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)).

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

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 ~~re~~distribution 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-dependended, 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.

Attachment D.

Public Comment Summary: City of Stevenson Locally Approved SMP

Ecology Public Comment Period: May 1 – June 3, 2019

Prepared by Michelle McConnell, WA Dept. of Ecology; June 14, 2019

Reviewed by the Stevenson Planning Commission/Shoreline Advisory Committee on July 8, 2019

Completed by Ben Shumaker, Stevenson Community Development Director on July 29, 2019

Comment Number	SMP Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
1	Inventory & Characterization Report (ICR)	WA Department of Natural Resources - H. Flores (WDNR)	Recent EPA findings indicate that Rock Creek is a Columbia River tributary that provides cold-water refuge important to steelhead salmon and other species. The City should consider this information and establish additional protections, as necessary, to maintain its ecological functions.	<p>The City reviewed this comment from WDNR, contacted the EPA project lead, and considered inclusion of the project’s findings in the ICR, RP, and SMP. The EPA’s final report on this project is anticipated in late 2019. Its findings were, and remain, unavailable for full inclusion in the City’s program. The City recommends the following:</p> <p>ICR – The City is prepared to amend the ICR based on the new knowledge of the Rock Creek cold water refuge. If amendment is required by Ecology, the changes highlighted in yellow are recommended by the City.</p> <p>RP – Because the project’s final report is not yet available, new restoration projects have not been identified and are not ready for inclusion in the RP. No changes are recommended.</p> <p>SMP – Because the project’s final report is not yet available, new regulatory protections for Rock Creek’s cold waters have not been identified and are not ready for inclusion in the SMP. The City will continue to rely on the system of Shoreline Environment Designations with differential allowances and setbacks (SMP Chapter 3 and SMP Table 5.1), the water quality requirements related to “no net loss of ecological functions (e.g., SMP Section 4.7), and the vegetation removal/mitigation standards (SMP Section 6.4.1 and SMP Table 6.2) to provide protections for the Rock Creek cold water refuge. No changes are recommended.</p> <p>Attachments related to this response include:</p> <p>1 – City/EPA correspondence 2 – Potential changes to ICR</p>

**See original comment letter for complete verbiage.*

Ben Shumaker

From: Palmer, John
Sent: Thursday, June 20, 2019 12:40 PM
To: Ben Shumaker
Cc: Wu, Jennifer
Subject: RE: Rock Creek CWR & City of Stevenson
Attachments: EPAR10_11012018_Memo_23_CWR_Areas_Upstream_Extent.pdf; EPAR10_11012018_Memo CWR Volume of 23 Tributaries.pdf

Hi Ben,

Thank you for your email. We really appreciate your input on Rock Creek. We also think linking the Rock Creek CWR function into the City's shoreline management program is an excellent idea. Our plan is to officially release the draft plan for public comment in September. What I can pass on is that Rock Creek is one of the 23 CWR we have identified in the Lower Columbia River. I've attached two technical memo's that address Rock Creek that may be of interest. The first is our estimate of the upper extent of the river that steelhead likely would use as CWR. The second, is a listing of the 23 CWR tributaries and associated estimated CWR volumes. Steelhead use of Rock Creek is suspected but not well documented (I seem to recall some documentation but I can't recall off top of my head). Due to its small size, Chinook use is probably unlikely or very limited.

Our draft plan will include brief watershed assessments of the 12 primary CWR and two others (Umatilla and 15-mile creek) and recommended actions within those watersheds. Due to time limitations, we do not assess the other non-primary CWR, including Rock Creek. However, we will state that the recommended actions that are generally applicable for the 14 watersheds also can apply to the non-primary CWR such as Rock Creek. We will be addressing sediment deposition at the mouths of the CWR. There is concern that sediment deposition is limiting the access to the cold water and limiting the CWR function. So we will be recommending feasibility studies be conducted for the removal of sediment in some CWR areas.

I hope this is helpful. The information you provided on Rock Creek is very helpful to us. Since we are not doing assessments of the non-primary CWRs, including Rock Creek, we may not include the info into the plan directly, but it's very helpful information and may help us develop general recommendations for the non-primary CWR areas and adds more support for sediment removal in general.

Thanks,
John

From: Ben Shumaker <ben@ci.stevenson.wa.us>
Sent: Wednesday, June 19, 2019 3:38 PM
To: Palmer, John <Palmer.John@epa.gov>
Subject: Rock Creek CWR & City of Stevenson

Hi John-

To follow up on my phone message from earlier today, the City of Stevenson is in the final stages of wrapping up a comprehensive update to our state-required Shoreline Management Program. As part of this process, Hugo Flores with the State Department of Natural Resources informed us of your Cold Water Refuges Project and the article you wrote

for the October 15, 2017 issue of *The Water Report*. It's fascinating! I was particularly struck by the individual fish's journey tracked by the University of Idaho. Similarly, I was amazed about how easily environmental conditions—such as the CWR at Drano Lake—explain human behavior—i.e., the abundance of fishermen there.

Other than the plaudits, I'm reaching out to you for 3 reasons.

1. Mr. Flores is requesting that we acknowledge Rock Creek's and Rock Cove's functions as CWRs and that we adopt appropriate protections for those functions. Incorporating the information on the temperature variations is easily done, but I am hopeful that you might be able to provide some advanced information on the range of protections that will be included in your upcoming plan. If you are unable to do that, then potentially you could offer some guidance to validate our approach. As that approach relates to temperature regulation, we are primarily concerned with 1) the amount and character of urban runoff, 2) the amount and character of riparian vegetation, and 3) the proximity of buildings to the water's edge. For the runoff, we are relying on the State Department of Ecology's *Stormwater Management Manual for Western Washington*. For shoreline vegetation, we rely on a mitigation sequence (avoid, minimize, compensate, monitor, etc.). When removal can't be avoided, the attached table provides mitigation actions/ratios. We also ask developments to "prioritize south and west banks of waterbodies to provide shade" when selecting the mitigation planting area. For building proximity, we have a differentiated system of setbacks that depends on whether the proposal requires a location near the water and the current and future character of the reach where it's located.
2. Our state requirements include the development of a restoration plan identifying how we can improve ecological functions. Because the CWR designation/program is new to us here, our Restoration Plan is silent on any potential projects that could directly improve that function. If you've developed any specific restoration actions that apply to the Rock Creek CWR, and if you can share those actions in advance of the report's release, I would love to include them in our Shoreline Restoration Plan.
3. Finally, on the flip side of this, because you're still in the draft stage, I thought the attached information might help influence the final product. Specifically if there is nothing currently related to the Rock Creek CWR.

The 5 PDFs help tell Rock Creek's sedimentation story at the Columbia River confluence. That story involves a system overwhelmed with sediments as a result of continued ground instability associated with the geologically young Bonneville Landslide Complex. It is my opinion or maybe just my fear, that this stream is nowhere close to finding its steady state and the City will be forever confronted with the impacts and threats of landslides, aggradation, and flooding. The first pdf also tells how Rock Creek's story involves is exacerbated by the presence of the Bonneville Dam, which causes the sediments to drop out farther up in the Rock Creek stream system. The sedimentation reduces the system's Dredging these sediments is continually pushed as a local solution to this issue. Your article in *The Water Report* is silent on whether dredging would be considered an ecologically-based restoration action. I hope that your plan will address dredging as an approach that is ecologically appropriate for this overwhelmed eco-system. I also hope that landslide and/or streambank stabilization along Rock Creek can be added as an action that will reduce the amount of sediment that may otherwise be added to this sick system.

Appendix B in the 5th PDF and the State Department of Ecology information at this link <https://fortress.wa.gov/ecy/eap/flows/station.asp?sta=29A070#block4> provide some point-in-time data that may be helpful if the CWR model needs any calibration.

Thank you in advance for any assistance you can offer. Currently, I have a 45-day period to provide a City response to DNR's request. That period ends on July 29th, but I am hopeful that you will provide guidance in advance of our July 8th City Planning Commission meeting. A response by the beginning of July would be ideal.

Again, thank you,

BEN SHUMAKER

PLANNING DIRECTOR

CITY OF STEVENSON, WASHINGTON

(509) 427-5970

60 **3.1.3 Temperature Regulation**

Important to the lifecycle needs of fish and wildlife and the maintenance of other water quality functions, temperature regulation varies according to climate processes based on diurnal (daily) and annual cycles, but can also be heavily influenced by geologic processes (hot springs), shoreline morphology, and vegetative cover.

<p>PROCESS FUNCTION INDICATORS</p>	<p>Geologic Processes, Climate Processes, Bonneville Dam Processes —Temperature Regulation— Riparian Vegetation, Impervious Surface Area, Urban Runoff, Permanently Protected Areas, 303(d) List, Floodplain Area</p>
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65 The temperature regulation function is often considered impaired when shade-producing vegetative cover is removed from a shoreline or when point sources, hot springs, and/or urban runoff increase ambient stream temperatures and cold water refuges. The Columbia River, Rock Cove, and Rock Creek systems demonstrate higher than normal temperatures for shorelines of their type as indicated in Section 4. However a cold water
 70 refuge helps migrating salmonids at the mouth of Rock Creek.

3.2 Water Quantity Functions

Water quantity functions deal with the supply of water provided by climate and hydrological processes. Water quantity functions are valued because they moderate the distribution of the water supply over time. Reducing peak flood levels during high flows and maintaining streamflow and water availability during low
 75 flows.

Water storage occurs in depressional wetlands, lakes, floodplains, and in subsurface aquifers along or under shoreline systems. Water storage is valued as a shoreline ecological function because of its ability to regulate flows, maintain lifecycle needs for habitat, moderate flood risks to human life, and provide water for consumptive purposes.


<p>PROCESS FUNCTION INDICATORS</p>	<p>Geologic Processes, Climate Processes, Hydrologic Processes, Bonneville Dam Processes —Water Storage & Flow Regulation— Riparian Vegetation, Impervious Surface Area, Urban Runoff, Permanently Protected Areas, Floodplain Area, Wetland Acreage</p>
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80 Water storage and flow regulation functions vary greatly depending on the underlying geologic, and hydrologic processes and some areas are naturally unsuited for the storage of water. Areas with naturally permeable soils, connected floodplains and associated wetlands, and few impervious surfaces are considered well suited to water storage and flow regulation functions. Impairment occurs when these types of natural
 85 conditions are not present or are diminished. The Stevenson’s Rock Creek shoreline areas contains some complex stream bottom, plunge pit, and snags of large woody material (LWM), these shoreline reaches are largely ill-suited for water storage and flow regulation functions. The Bonneville Dam places a daily demand on the water storage functions of the Columbia River and Rock Cove shorelines. This process creates a well-functioning flow regulation, but partially impairs the interrelated water storage function of these shorelines as
 90 a result.

3.3 Habitat Functions


The rocks, soils, sediments, and waters of Stevenson’s shorelines host a number of terrestrial, aquatic, and amphibious plant and animal species. Some of these species attract flocks of visiting bird watchers, some are a boon for backyard naturalists, some spark the imagination of the city’s children, some are a veritable

310 protective agreements between the Port and the City. The remainder of the reach is privately owned and not subject to permanent conservation covenants.

 **Priority Habitat & Species-** A lacustrine littoral habitat at the outlet of Kanaka Creek borders this reach on the east and habitat supporting waterfowl concentrations borders the western edge. PHS species within this reach include the salmonids of the Columbia River, white sturgeon, and northern spotted owl. Monitored
315 non-PHS species within the reach include the ring-necked snake and sand roller. Some threat to aquatic habitat exists based on the spread of milfoil. The condition of these habitat and species types has not been evaluated, but their presence is a positive ecological indicator, and, like the other Columbia River reaches, justify a “Good” rating.

 **Wetland Acreage-** There is one wetland from the local inventory in this reach; it is adjacent to Cascade
320 Avenue, totals 0.21 acres, drains to the Columbia River, and is considered an associated wetland. The presence of this wetland is a positive ecological indicator and justifies the “Good” rating of this reach.

4.2.4 Altered Conditions

 **303(d) Listings-** The Columbia River within this reach has a Category 5 listing for temperature and through a 3-state memorandum of understanding the EPA is developing total maximum daily load (TMDL)
325 protocols to address the water quality deficiency. **As part of this effort, the EPA has identified cold water refuges (CWRs) within the system. The confluence of this reach with Rock Creek provides a minor CWR for migrating salmonids in high temperature months.** This reach is also subject to pollution from Dioxin as a Category 4A pollutant subject to a TMDL from the EPA. The Columbia is also a Category 2 water of concern for pH, PCBs, Chlordane, and 4,4'-DDE. The “Very Poor” rating results from these multiple listings.




 **Impervious Surface Area-** This reach is the most urbanized and the most degraded (“Very Poor”) in terms of impervious surfaces. The 7.7 ac of impervious land cover is the most of any reach, and the average coverage of this reach’s small lots is also greater than any other reach or the Stevenson’s overall shoreline jurisdiction.

Table 4.2-3 – Columbia River Reach 2 Impervious Surface Comparison

Impervious Surface Areas				
	Total Impervious Area	% Land Covered by Impervious Surfaces	Mean Impervious % of Developed Lots	Median Impervious % of Developed Lots
Reach	7.7 ac	21.9%	60.6%	74.8%
Total Jurisdiction	29.4 ac	14.4%	46.3%	36.2%

 **Overwater Roads & Structures-** The Port of Skamania County maintains 3 public overwater structures in this reach (denoted on Map 15 as E, F, and G). The Stevenson Landing pier at Russell Street at 3,500 sf is the biggest of these, and its flanking dolphins provide moorage for tourboats on the river. While some cosmetic upgrades have been proposed for Stevenson Landing, no structural or in-water work is currently being
340 considered. This reach also contains a number of old pilings, some of which are programmed for removal during the Port’s waterfront restoration project. Until that time, the reach will remain ranked as “Poor”.

 **Setbacks to OHWM-** Though more urbanized in terms of impervious surfaces close to the OHWM, this reach has surprisingly large setbacks for buildings. The “Good” rating is based on central tendencies for

been evaluated, but their presence is a positive ecological indicator, and, like the other Columbia River reaches, justify a “Good” rating.

485 **1 Wetland Acreage-** The “Fair” rating is applied as a placeholder to this reach which contains no mapped local inventory or NWI wetlands (Map 8).

4.3.4 Altered Conditions

490 **303(d) Listings-** The Columbia River within this reach has a Category 5 listing for temperature and through a 3-state memorandum of understanding the EPA is developing total maximum daily load (TMDL) protocols to address the water quality deficiency. **As part of this effort, the EPA has identified cold water refuges (CWRs) within the system. The confluence of this reach with Rock Creek provides a minor CWR for migrating salmonids in high temperature months.** This reach is also subject to pollution from Dioxin as a Category 4A pollutant subject to a TMDL from the EPA. The Columbia is also a Category 2 water of concern for pH, PCBs, Chlordane, and 4,4'-DDE. The “Very Poor” rating results from these multiple listings.

495 **2 Impervious Surface Area-** Large areas of the formerly industrial sites in this reach contain extensive impervious surfaces, which cover 6.6 ac in total. A comparison of developed lot coverage is not available for this reach or the Ashes Lake reach based on the aggregation of certain data used in the analysis. However, visual reconnaissance indicates that impervious coverage in this reach is similar to the Rock Cove reach and has been rated as “Poor”.

Table 4.3-3 – Columbia River Reach 3 Impervious Surface Comparison

Impervious Surface Areas				
	Total Impervious Area	% Land Covered by Impervious Surfaces	Mean Impervious % of Developed Lots	Median Impervious % of Developed Lots
Reach	6.6 ac	19.3%	??	??
Total Jurisdiction	29.4 ac	14.4%	46.3%	36.2%

500 **1 Overwater Roads & Structures-** A private ~1,000 sf pier with a building (denoted on Map 15 as A) is located in the western portion of this reach. The aquatic area of the shoreline also includes a number of derelict pilings at various locations in this reach, including a high concentration east west of the former Co-Ply site. There are no overwater roads and this reach has been rated as “Fair”.

505 **2 Setbacks to OHWM-** No properties in this reach have buildings in shoreline jurisdiction, but nearly half are developed with roads, paved or gravel parking areas and the railroad. This predesignated reach has the closest combined central tendencies for setbacks to the OHWM at 20 ft. The “Poor” rating of the reach reflects the proximity of structures to the OHWM and lack of buildings.

Table 4.3-4 – Columbia River Reach 3 Development Proximity to OHWM

620 **1 Wetland Acreage-** The “Fair” rating is applied as a placeholder to this reach which contains no mapped local inventory or NWI wetlands (Map 8).

4.4.4 Altered Conditions

625 **303(d) Listings-** The lower portion of this reach below Rock Creek Drive is subject to the same Category 5 temperature listing as the Columbia River. The EPA has not yet developed total maximum daily load (TMDL) protocols to address this water quality deficiency. As part of this effort, the EPA has identified cold water refuges (CWRs) within the Columbia River system. The mouth of Rock provides a minor CWR for migrating salmonids in high temperature months. This listing does not include the upper portion of the reach, and there are no other types of 303(d) listings occur within this reach.

630 **2 Impervious Surface Area-** This highly urbanized reach contains 6.6 ac of total impervious surfaces, which exist at a higher proportion than the overall shorelines reviewed in this report. However, individual developed lots have less impervious surfaces when compared to the shorelines of the entire Stevenson Urban Area. Impervious surfaces are concentrated near and south of the bridge at Rock Creek Drive. The reach has been rated “Poor”.

Table 4.4-2 – Rock Creek Reach 1 Impervious Surface Comparison


Impervious Surface Areas				
	Total Impervious Area	% Land Covered by Impervious Surfaces	Mean Impervious % of Developed Lots	Median Impervious % of Developed Lots
Reach	6.6 ac	15.1%	22.1%	17.3%
Total Jurisdiction	29.4 ac	14.4%	46.3%	36.2%

640 **3 Overwater Roads & Structures-** This “Very Poor” reach has the most overwater roads & structures in Stevenson’s shoreline jurisdiction. The Rock Creek Drive bridge, a pedestrian-only bridge and the SR 14 bridge are existing public structures. A deteriorating private deteriorating dock (denoted on Map 15 as D) is located on private property between SR 14 and the BNSF railroad. Additionally, the BNSF railroad bridge marks the southern extent of this reach. In total, these structures cover ~14,000 sf of the stream. The Rock Creek Drive and SR 14 bridges both have piers placed in the water. The City is seeking grant funding to replace the Rock Creek Drive bridge with a freespan structure. The BNSF bridge is proposed for replacement and preliminary designs indicate a removal of the bridgehead piers/revetments that constrict the channel under the bridge. The replacement project may also provide for the removal of some pilings and other dilapidated structures in the vicinity.





650 **4 Setbacks to OHWM-** Nearly half of the properties in this reach are developed in some fashion and most of the developed lots contain some type of building. The central tendencies for the location of these buildings combine to ~100 ft from the OHWM, and structures are typically located slightly closer. This reach is rated as “Good” and contrasts interestingly with the development setback trends of Rock Creek Reach 2 which has a lesser rating.

Table 4.4-3 – Rock Creek Reach 1 Development Proximity to OHWM



Setbacks to OHWM				
	% of Lots with Construction	Smallest Setback	Mean Setback	Median Setback
Buildings	40.4%	11 ft	93 ft	87 ft
Any Structure	47.4%	6 ft ⁶⁰	88 ft	77 ft

- 835  **Shoreline Stability-** A mix of natural shoreline and armored slopes are present in this reach, with the natural areas located primarily along the islands and the Columbia Gorge Interpretive Center property. The reach's soil types include Arents, Bonneville and Steever soils. Arents soils are composed of gravelly sandy loams. Bonneville soils are stony sandy loams. Steever soils are stony or gravelly clay loams. Arents and Steever soils both are Well Drained, and have Moderate availability of water storage. Bonneville soils are Somewhat Excessively Drained, have a Very Low availability of water storage, and a Slight erosion hazard.
- 840 The Rock Cove reach is rated as "Good" and has limited Geologic Hazards. The slopes greater than 25% present a Moderate Hazard as potentially unstable slopes (Map 5A). The greatest hazard in the reach is the High liquefaction potential of the railroad/highway berm if an earthquake were to occur.

4.6.3 Biological Environment

- 845  **Fish-Blocking Culverts-** There are no culverts identified on the WDFW inventory within this reach, however, local reconnaissance identified a culvert in the western portion of this reach for Foster Creek. The ability of fish to pass through this culvert is unknown. The presence of this culvert is all that prevents application of the "Excellent" rating.
- 850  **Permanently Protected Areas-** Between the Columbia Gorge Interpretive Center, Skamania County, and rights-of-way for the City's Rock Creek Drive and WSDOT's SR 14, the entire shoreline is stewarded by public or non-profit entities. These public and non-profit entities will ensure that a degree of responsible environmental protection during shoreline use and development within this "Good" rated reach; however, no areas in this reach are subject to permanent protective covenants or environmentally protective deed restrictions.
- 855  **Priority Habitat & Species-** The PHS priority habitat types within the reach support waterfowl concentrations and palustrine aquatic habitat. The PHS species within the reach include northern spotted owl, Canada goose, Chinook, steelhead, and resident and rainbow trout and coastal cutthroat. The only monitored non-PHS species within the reach is the ringneck snake. Some threat to aquatic habitat exists based on the spread of milfoil. This reach shares the "Good" rating with the Columbia River reaches which also serve several species and habitat purposes.
- 860  **Wetland Acreage-** A locally performed wetland inventory identifies a 0.03-acre wetland upland of Rock Creek Drive near the Ryan Allen Road intersection and a 0.27 acre emergent wetland on the upland side of Rock Creek Drive near the Rock Cove Assisted Living Facility. Neither is identified on the NWI maps (Map 8). The presence of these wetlands is a positive ecological indicator and justifies the "Good" rating of this reach.

4.6.4 Altered Conditions

- 865  **303(d) Listings-** This reach is subject to the same Category 5 temperature listing as the Columbia River. The EPA has not yet developed total maximum daily load (TMDL) protocols to address this water quality deficiency. As part of this effort, the EPA has identified cold water refuges (CWRs) within the Lower Columbia River system. Rock Cove is included as part of Rock Creek's minor CWR where migrating salmonids may rest during high temperature months. No other 303(d) listings occur within this reach.
- 870  **Impervious Surface Area-** A total of 5.7 ac of impervious areas are located in this reach which has a higher proportion of such surfaces than that of the overall jurisdiction characterized in this report. However,

Watershed Professionals Network & Mark Yinger Associates. 2002. *WRIA 29 Hydrology and Geology Assessment*. Prepared for Envirovision Corp. & WRIA 29 Planning Unit.

2.4 Bonneville Dam

Carriker, Robert C. 2001. "Ten Dollars a Song: Woody Guthrie Sells His Talent to the Bonneville Power Administration. *Columbia Magazine*. Spring 2001, 15(1), 32-36. Washington State Historical Society.

Carson Land Company. 1974. "Easement Deed, from Corporation, For and in Consideration of the Sum of Nine Thousand Four Hundred Fifty and no/100". Recorded in the Office of the Skamania County Auditor at Book 68 Page 54-57.

Daubenspeck, Frank et ux. 1936. "Flowage Easement," recorded in the Office of the Skamania County Auditor at Book Z. pp. 61-62.

Guthrie, Woody. 1936. "Roll On Columbia," Woody Guthrie Publications, Inc. & TRO-Ludlow Music, Inc. (BMI).

Interfluve, Inc. 2005. "Rock Creek Bridge—Stevenson, WA, Geomorphic Investigations," hydraulic modeling and photos prepared for Curt Vanderzanden, PE.

4.0 Reach Level Characterization

The JD White Company, Inc., KPFF Consulting Engineers, and E.D. Hovee & Associates. 1995. *Fatal flaw analysis for watercraft recreation sites*. Prepared for Skamania County. August 1995.

Palmer, John. 2017. "Cold Water Fish Refuges: EPA's Columbia River Cold Water Refuges Project." *The Water Report*, 164, 1-8.

Soliz, Cyndi. 2018. Teleconference with City Planning Director regarding presence of milfoil and other noxious weeds. February, 13, 2018.

United States Soil Conservation Service (USFS). 1990. *Soil Survey of Skamania County Area, Washington*. In cooperation with Washington State Department of Natural Resources and Washington State University Agriculture Research Center.

5.3 Projected Shoreline Use and Potential Use Conflicts

Shumaker, Ben. 2015. Teleconference with BergerABAM regarding shoreline uses and trends. June 2, 2015.

The JD White Company, Inc., KPFF Consulting Engineers, and E.D. Hovee & Associates. 1995. *Fatal flaw analysis for watercraft recreation sites*. Prepared for Skamania County. August 1995.

Appendix C Map Portfolio

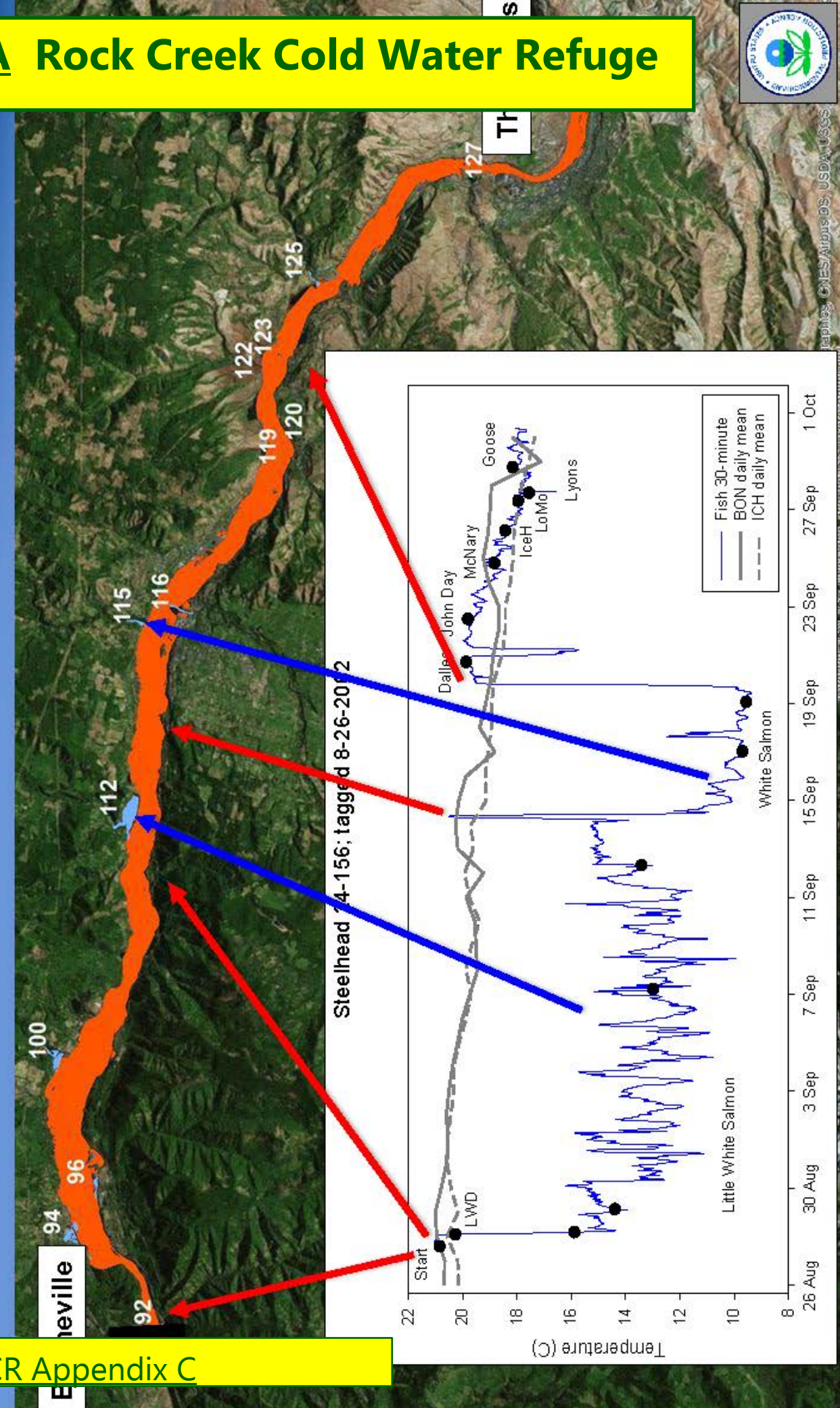
This appendix includes the following figures:

Reach-scale Attribute	Description	Map Number
Preliminary Shoreline Jurisdiction	Approximate extent of SMP jurisdiction (current), approximate extent of SMP jurisdiction (predesignation), approximate extent of landslide hazard areas considered for optional jurisdiction.	1
Physical Environment		
Land Cover	USGS gap analysis program (GAP) data showing forested, shrub-covered, grass-covered, non-vegetated, and water areas. Includes tabular summary of vegetation/land cover.	2
Soil	USGS Soil Survey Geographic Database (SSURGO) and US Forest Service data.	3
Contours	LiDAR-derived 10- and 100-foot contours provided by Skamania County GIS.	4
Liquefaction Hazards	Displays hazard categories for land movement during earthquakes.	5
Geologic Hazards	Stevenson Critical Areas Hazard Map showing potentially unstable slopes, landslide hazard areas, scarps, and unstable soils. Includes memo from PBS Engineering, 2007.	5A
Floodplains	FEMA FIRM, Zone A on Map 530161 A, Panels 01-02 (Red) and Map 530160, Panel 425 (Yellow).	6
Channel Migration Zones	Department of Ecology Map and coarse-scale analysis of likely Channel Migration Zones (CMZs) in Skamania County. Includes memo.	6A
Flowage Easements	Based on County easements records and shows vertical elevation of all flowage easements maintained by the Corps of Engineers for the Bonneville Dam Project.	6B
Biological Resources		
PHS Data	WDFW Priority Habitat and Species (PHS) Wildlife GIS data. Includes species list by reach.	7
Wetlands	USFWS National Wetlands Inventory and Stevenson Critical Areas Wetland Map showing potential wetlands as identified by JD White and Associates in 2007. Includes acreage of wetlands.	8
Cold Water Refuges	US EPA maps showing upstream extent and approximate location of the Rock Creek Cold Water Refuge.	8A
Land Use & Altered Conditions		
Existing Land Use	County parcel data using Department of Revenue (DOR) codes (derived and categorized from Skamania County Assessor's database).	9
Future Land Use	Map from 2013 Stevenson Comprehensive Plan designating areas for different types of residential and trade uses.	9A
Zoning	Map developed by Skamania County GIS using County and City maps.	10
Archeology/Historic Resources	Washington State Department of Archaeology and Historic Preservation (DAHP), includes publicly available information, excludes sensitive information.	14
Public Access		
Public Ownership	Public land includes all land owned by federal, state, or local government agencies. "Rights-of-way" were not classified as "Public". Areas not covered by parcel dataset (i.e., large portion of the Columbia River) were classified as "Public". Data for length and area in public ownership included and specific recreation areas also noted.	11
Restoration Opportunities		
Impervious Surfaces	County data was used to calculate impervious area (square feet) and linear distance of impervious surface (feet). Includes tabular data for impervious surface types.	12
Rooftops	County data on rooftops within shoreline area and measuring rooftop distance to OHWM. Includes tabular data for building number and size.	13
Shoreline Modifications	Aerial photo-derived data by Skamania County GIS. Includes tabular data on armoring length, island dimensions, and size of docks/piers.	15
Fish Passage Barriers	WDFW Fish Passage and Diversion Screening Inventory Database. Includes reports for identified barriers.	16

FIGURE 8A Rock Creek Cold Water Refuge

Steelhead use of CWR

Columbia River between Bonneville Dam and The Dalles



The upstream extent was set at a riffle 0.15 miles (0.24 km) upstream that constrains movement (depth of 0.8 meter or less), based on a site visit conducted on 8/17/17.



The upstream extent was set at the shallow channel above the pool north of WA-14, 0.13 miles (0.21 km) upstream from the confluence.