



# City of Stevenson

## Planning Department

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

**TO:** City Council  
**FROM:** Ben Shumaker  
**DATE:** April 21<sup>st</sup>, 2022  
**SUBJECT:** Shoreline Master Program—Ecology Approval

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### **Introduction**

The Stevenson City Council adopted Ordinance 2022-1181 on March 17<sup>th</sup>, 2022. This ordinance contained 2 exhibits. The first identified changes to the Stevenson Municipal Code, Chapter 18.08. The second exhibit provided the Shoreline Master Plan document. The City's approval was forwarded to the Department of Ecology on March 28<sup>th</sup>, 2022, and Ecology issued its final approval (Attachment 1) on April 4<sup>th</sup>, 2022.

### **Process Update**

The City's updated shoreline regulations are effective as of April 18<sup>th</sup>, 2022. Ecology's action is subject to a 30-day appeal period beginning on the date of Ecology's legal advertisement.

As of this writing (April 11<sup>th</sup>, 2022), the City's codification contractors have not yet incorporated the changes to SMC 18.08 (Exhibit 'A' of Ordinance 2022-1181) into the web-based version of the municipal code. This incorporation is expected shortly.

Additionally, the Shoreline Master Plan (Exhibit 'B' of the ordinance) has not yet been published on the City website or on the codification contractor's document portal. This publication is also forthcoming.

### **Shoreline Master Plan Document**

When published the Shoreline Master Plan will reflect the changes from Exhibit 'B', as described below:

- 1- Scrivener's Errors: Ecology's final approval identified scrivener's errors in how Required Changes 1, 2, & 11 and Recommended Changes 18 and 20 were incorporated into Exhibit 'B'.
- 2- Final Approval Letter: Appendix B.2 of the Shoreline Master Plan identifies the need for staff action curating Ecology's final approval letters and adding them to the document.
- 3- Document Headers: "Exhibit 'B'" appeared as a header in the document adopted by City Council. This text is unnecessary for implementation of the Shoreline Master Plan.

The correction of these errors, the inclusion of Ecology's final approval letter, and the removal of the header are shown in Attachment 2, which will be published as the final Shoreline Master Plan document.

Prepared by,

Ben Shumaker  
Community Development Director

### Attachment

- Ecology Final Approval (2 pages)
- Shoreline Master Plan (104 pages)



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 4, 2022

The Honorable Scott Anderson  
City of Stevenson  
PO Box 371  
Stevenson, Washington 98648

**Re: Final Ecology Approval of City of Stevenson Shoreline Master Program  
Comprehensive Update and Periodic Review**

Dear Mayor Anderson:

The Department of Ecology (Ecology) is pleased to announce final approval of the City of Stevenson (City) Shoreline Master Program (SMP) amendment. Congratulations to you, your staff, and the Stevenson community for completing this combined comprehensive update and periodic review. We know this has been a long and challenging process. We appreciate your commitment to comprehensive land use planning for Washington's unique and valuable shorelines.

As you know, the following correspondence regarding the SMP update took place between Ecology and the City:

- February 14, 2019 – Ecology accepted the City's locally approved SMP amendment as complete for purposes of review (Resolution No. 2018-322).
- January 21, 2022 – Ecology conditionally approved the City's SMP comprehensive update and periodic review with twenty-five (25) specific required changes and thirty-three (33) recommended changes.
- March 28, 2022 – The City sent a response letter agreeing to all of Ecology's required and recommended changes, with one correction (adopted as Ordinance No. 2022-1181).

Ecology therefore approves the City's SMP comprehensive update and periodic review amendments, which includes all the agreed to required and recommended changes. The SMP approved by this action concludes the City's comprehensive update under RCW 90.58.080(2), and the City's periodic review under RCW 90.58.080(4). This action represents Ecology's final decision and there shall be no further modifications to the City's proposal.

The Honorable Scott Anderson  
April 4, 2022  
Page 2

**The effective date of the City's comprehensive SMP update is fourteen days from the date of this letter, Ecology's final approval letter.** This fourteen day period was established by legislative action in 2011 and is intended to provide lead time for the City's to prepare to implement the new SMP.

Ecology is required to promptly publish notice that the City's SMP has received final approval. The notice, in the form of a legal ad, will begin a 30-day appeal period. We will provide a copy of the legal ad to the City for its records.

Finally, if not already completed, please integrate the changes referenced in this correspondence into a final clean copy version of the complete approved SMP, including all appendices, within 30 days. When this is complete, please forward a digital copy of the complete approved SMP to Ecology.

Thank you again for your significant work and leadership in completing this SMP update. If you have any questions, please contact our regional planner, Michelle McConnell, at [Michelle.McConnell@ecy.wa.gov](mailto:Michelle.McConnell@ecy.wa.gov) or (360) 407-6349.

Sincerely,



Misty Blair  
Shoreline Management Policy Lead

ec: Ben Shumaker, City of Stevenson  
Maria Sandercock, Ecology  
Michelle McConnell, Ecology

# **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**

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This Shoreline Master Program 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



## **Table of Contents**

<b>ACKNOWLEDGEMENTS</b>	<b>I</b>
<b>TABLE OF CONTENTS</b>	<b>3</b>
<b>CHAPTER 1 – INTRODUCTION &amp; GOALS</b>	<b>1</b>
1.1 TITLE	1
1.2 ADOPTION AUTHORITY	1
1.3 SHORELINE JURISDICTION	1
1.3.1 Shoreline Management Act Jurisdiction Definition	1
1.3.2 Applicable Shoreline Jurisdiction in Stevenson	1
1.3.3 Shoreline Environment Designation Map	1
1.4 VISION, GOALS, & PURPOSE OF THE SHORELINE MASTER PROGRAM	2
1.4.1 Overall Vision & Goals	2
1.4.2 Purpose of this SMP	2
1.5 SHORELINE MASTER PROGRAM APPLICABILITY TO DEVELOPMENT	3
1.6 RELATIONSHIP TO OTHER PLANS AND REGULATIONS	3
1.7 LIBERAL CONSTRUCTION	4
1.8 ORGANIZATION OF THIS SHORELINE MASTER PROGRAM	4
1.9 PERIODIC REVIEW & AMENDMENTS TO THE SHORELINE MASTER PROGRAM	4
1.10 EFFECTIVE DATE	5
<b>CHAPTER 2 – ADMINISTRATIVE PROVISIONS</b>	<b>7</b>
2.1 PURPOSE & APPLICABILITY	7
2.2 SHORELINE ADMINISTRATOR	7
2.3 PRE-APPLICATION PROCEDURES	7
2.3.1 Pre-Application Conference – Required	7
2.3.2 Pre-Application Conference – Purpose & Outcomes	8
2.3.3 Determination of Ordinary High Water Mark	8
2.4 PERMIT PROCESS	8
2.4.1 Permission Required	8
2.4.2 Application Contents	8
2.4.3 Application Review & Processing	9
2.5 MINOR PROJECT AUTHORIZATIONS (MPA)	10
2.5.1 Minor Project Authorizations – Interpretation & Guidelines	10
2.5.2 Minor Project Authorization Process	11
2.6 SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS	11
2.6.1 Shoreline Substantial Development Permits – Purpose – Applicability – Criteria	11
2.6.2 Substantial Development Permits – Permit Process	11
2.7 SHORELINE CONDITIONAL USE PERMITS	12
2.7.1 Conditional Use Permits – Purpose – Applicability – Criteria	12
2.7.2 Conditional Use Permits – Permit Process	12
2.8 SHORELINE VARIANCES	12
2.8.1 Variances – Purpose – Applicability – Criteria	12
2.8.2 Variances – Permit Process	13
2.9 NONCONFORMING USE & DEVELOPMENT	13
2.9.1 Nonconforming Use & Development – Purpose – Applicability – Criteria	13
2.10 SHORELINE PERMIT REVISIONS	14
<b>CHAPTER 3 – SHORELINE ENVIRONMENT DESIGNATION PROVISIONS</b>	<b>17</b>
3.1 INTRODUCTION	17
3.2 ENVIRONMENT DESIGNATIONS	17
3.2.1 Aquatic Environment	17



**City of Stevenson**  
**Shoreline Master Program**

---

3.2.2	Natural Environment	18
3.2.3	Shoreline Residential Environment	19
3.2.4	Urban Conservancy Environment	19
3.2.5	Active Waterfront Environment	20

**CHAPTER 4 – GENERAL PROVISIONS FOR ALL SHORELINE ACTIVITIES** **21**

---

4.1	INTRODUCTION	21
4.2	CULTURAL RESOURCES	21
4.2.1	Applicability	21
4.2.2	Policies	21
4.2.3	Regulations	21
4.3	ENVIRONMENTAL PROTECTION & NO NET LOSS	23
4.3.1	Policies	23
4.3.2	Regulations	23
4.4	CRITICAL AREAS	25
4.4.1	Applicability	25
4.4.2	Policies	25
4.4.3	General Critical Area Regulations	26
4.4.4	Fish & Wildlife Habitat Conservation Area Regulations	26
4.4.5	Wetlands Regulations	27
4.5	FLOOD HAZARD REDUCTION	27
4.5.1	Applicability	27
4.5.2	Policies	27
4.5.3	Frequently Flooded Area and CMZ Regulations	27
4.6	PUBLIC ACCESS	29
4.6.1	Applicability	29
4.6.2	Policies	29
4.6.3	Regulations	30
4.7	WATER QUALITY & NON-POINT SOURCE POLLUTION	32
4.7.1	Applicability	32
4.7.2	Policies	32
4.7.3	Regulations	33
4.8	SHORELINES OF STATEWIDE SIGNIFICANCE	34
4.8.1	Applicability	34
4.8.2	Regulations	34

**CHAPTER 5 – SHORELINE USE REGULATIONS** **35**

---

5.1	INTRODUCTION	35
5.2	PROVISIONS APPLICABLE TO ALL USES	35
5.3	SHORELINE USE TABLE	35
5.4	SPECIFIC SHORELINE USE POLICIES & PROVISIONS	38
5.4.1	Agriculture & Mining	38
5.4.2	Aquaculture	38
5.4.3	Boating Facilities & Overwater Structures	39
5.4.4	Commercial & Industrial	42
5.4.5	Forest Practices	44
5.4.6	Institutional	45
5.4.7	Instream Structures	46
5.4.8	Land Division	47
5.4.9	Recreational	48
5.4.10	Residential Development	49
5.4.11	Transportation & Parking Facilities	51
5.4.12	Utilities	53
5.4.13	Unlisted Uses	54

**CHAPTER 6 – SHORELINE MODIFICATION PROVISIONS** **55**

---

6.1	INTRODUCTION	55
6.2	GENERAL PROVISIONS FOR ALL SHORELINE MODIFICATIONS	55

**City of Stevenson**  
**Shoreline Master Program**

---

6.3	SHORELINE MODIFICATIONS TABLE	55
6.4	SPECIFIC SHORELINE MODIFICATION PROVISIONS	56
6.4.1	Vegetation Removal	56
6.4.2	Fill	59
6.4.3	Shoreline Stabilization	60
6.4.4	Shoreline Restoration	63
6.4.5	Dredging	64
6.4.6	Breakwaters, Jetties, Groins, and Weirs	65
<b>CHAPTER 7 – DEFINITIONS</b>		<b>67</b>
7.1	ABBREVIATIONS & ACRONYMS	67
7.2	WORDS & PHRASES	67
<b>APPENDIX A – SHORELINE ENVIRONMENT DESIGNATION MAP</b>		<b>85</b>
A.1	INTRODUCTION	85
A.2	PARALLEL ENVIRONMENTS & SPECIFIC INTERPRETATIONS	85
A.2.1	Ashes Lake	85
A.2.2	Columbia River	85
A.2.3	Rock Cove	85
A.2.4	Rock Creek	86
A.3	PARCEL GUIDE	86
A.4	STEVENSON SHORELINE ENVIRONMENT DESIGNATION MAP	88
A.5	BOUNDARY INTERPRETATION	88
<b>APPENDIX B – AMENDMENT LOG &amp; ECOLOGY APPROVAL LETTERS</b>		<b>91</b>
B.1	RECORD OF CHANGES	91
B.2	ECOLOGY APPROVAL LETTERS	92



## **Chapter 1 – Introduction & Goals**

### **1.1 Title**

This document shall be known and may be cited as the Stevenson 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, “shorelines of the state” include certain waterbodies plus their associated “shorelands.” At a minimum, the waterbodies designated as “shorelines” 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 “shorelines 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 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 shorelines 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 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 in accordance with SMP Sections 1.3.1 and 1.3.2, Chapter 3, Chapter 7, and 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:

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.

This SMP shall apply to every person (i.e., individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated) 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.

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.

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.
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	
<b>Authorization Type</b> General explanation of when each authorization applies to proposals.	<b>MPA</b> 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.	<b>SSDP w/ Special Procedures</b> For authorizations of limited utility extensions and bulkheads subject to the procedures in WAC 173-27-120.	<b>SSDP</b> For typical permits involving shoreline uses, developments, and/or modifications which exceed the state-established established fair market value threshold or are otherwise subject to receipt of a SSDP.	<b>SCUP</b> For special permits allowing listed and/or unlisted shoreline uses, developments or modifications..	<b>SVAR</b> For special permits allowing shoreline uses, developments, and/or modifications inconsistent with identified standards related to height, setback, bulk, etc.
<b>SMP Reference</b>	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
<b>Timeframe</b>	Varies depending on state specifications. 10-60 days		80 Days	110 Days	
<b>Appeals</b>	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.

### *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 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 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,

- 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.

#### ***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 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, and WAC 173-27.
  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.

## **2.5 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 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 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 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 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
  - Watershed Restoration; Habitat & Fish Passage Improvement

- ADA Retrofits.

### **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 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 27<sup>th</sup>, 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.
  - 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 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.

### 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.

- 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 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 further degrade other shoreline values through established standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy SED.

- 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 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 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, a prior archaeological report/survey, or a state or federal register, the 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.
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.
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.

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 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
  - 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:
  - 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
  - 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

### 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 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. Despite any reduced 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.
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, 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 recognize the buffer necessary to ensure no net loss of ecological functions occurring at the reach-scale for the riparian area in question.
3. The City 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.

#### **4.4.5 Wetlands Regulations**

1. All wetland review activities, as defined, shall be subject to these regulations.
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.

## **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.
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.
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. 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;
  - 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.
  - 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.
  - 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**

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.
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.
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.
  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**

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.
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 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;
  - 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 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 Planning Commission 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 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 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 degraded so as to discourage normal uses (e.g., swimming, fishing, boating, viewing, etc.).
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 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.
  - 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 use 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 & 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

**City of Stevenson  
Shoreline Master Program**

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

<b>TABLE 5.1 – SHORELINE USE &amp; SETBACK STANDARDS</b>												
	<b>Shoreline Environment Designation</b>											
	<b>AQUATIC</b>		<b>NATURAL</b>		<b>SHORELINE RESIDENTIAL</b>		<b>URBAN CONSERVANCY</b>		<b>ACTIVE WATERFRONT</b>			
	<b>Allowance</b>	<b>Setbacks (ft)</b>	<b>Allowance</b>	<b>Setbacks (ft)</b>	<b>Allowance</b>	<b>Setbacks (ft)</b>	<b>Allowance</b>	<b>Setbacks (ft)</b>	<b>Allowance</b>	<b>Setbacks (ft)</b>		
P= Permitted, C=Conditional Use, X= Not Permitted, n/a= Not Applicable												
<b>Agriculture &amp; Mining</b>												
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		
<b>Aquaculture</b>												
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		
<b>Boating Facilities &amp; Overwater Structures</b>												
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	X	n/a	X	n/a	X	n/a	X	n/a
Public Leisure Pier			X		C		C		P		P	
Single-User Residential Dock			X		C		C		C		P	
Joint-Use Moorage			X		X		P		P		P	
Marina			X		X		X		C		P	
<b>Commercial &amp; Industrial</b>												
Water-Dependent	P				X <sup>1</sup>	0	P	0	P	0		
Water-Related, Water Enjoyment	C	n/a	X	n/a	X <sup>1</sup>	75	P	50	P	33		
Nonwater-Oriented	X				X	-	C <sup>2</sup>	150	C <sup>2</sup>	100		
<b>Forest Practices</b>												
All	X	n/a	C	50	P	50	P	50	P	25		
<b>Institutional</b>												
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	X	n/a	P	50	X	n/a		
<b>Instream Structures</b>												
All	C	n/a	C	0	C	0	C	0	C	0		

**TABLE 5.1 – SHORELINE USE & SETBACK STANDARDS, CONT.**

**City of Stevenson  
Shoreline Master Program**

	Shoreline Environment Designation									
	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										
<b>Land Division</b>										
All	C	n/a	C	n/a	P	n/a	P	n/a	P	n/a
<b>Recreational</b>										
Water-Dependent	P		P	0	P	0	P	0	P	0
Water-Related/Water-Enjoyment Trail Parallel to the Shoreline, View Platform	X		C	100	P	50	P	50	P	50
Dirt or Gravel Public Access Trail to the Water	C	n/a	P	50	P	50	P	33	P	25
Non-Water-Oriented (golf course, sports field)	X		X	n/a	X	n/a	C	150	C	100
<b>Residential</b>										
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
<b>Transportation &amp; Parking Facilities</b>										
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
<b>Utilities</b>										
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
<p>1 – All Industrial uses are prohibited, however, a Water-Oriented Commercial use may be allowed as a conditional use in the Shoreline Residential SED.</p> <p>2 – Non-water oriented Commercial &amp; Industrial uses conditionally allowed only when a) the site is physically separated from the shoreline by another property or public right-of-way or b) the project provides a significant public benefit with respect to SMA objectives (e.g., providing public access and ecological restoration) and i) is part of a mixed-use project that includes water-dependent uses or ii) navigability is severely limited.</p>										



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 uses do not currently exist along Stevenson's 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 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. 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.

- 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 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 pre-designated 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:
  - 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.

- 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.
  - 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.
  - 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.
  - 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.).
  - 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.
  - 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 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;
    - ii. The proposed site has the flushing capacity required to maintain water quality;
    - iii. They will not interfere with exercise of tribal treaty fisheries;
    - iv. Adequate facilities for the prevention and control of fuel spillage are incorporated into the proposal;
    - 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;
    - vi. There shall be no net loss of ecological functions as a result of the development and associated recreational opportunities;
    - vii. The proposed design will minimize impediments to fish migration; and
    - 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 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, as necessary.
- g. Boating facilities and 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.
- 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.
  - 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 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.
  - 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.
  - 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 Skamania County, the Port of Skamania County, and non-profit service providers. These uses are subject to change overtime.
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 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-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.

#### ***5.4.7 Instream Structures***

1. Location Description. Instream structures 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:
  - 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.
  - 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 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 priority uses under the SMA only when consistent with the control of pollution and 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, Views. The Shoreline Administrator may approve a minor adjustment in setback standards for a single-family residential 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.
    - 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. Joint-use Docks. For new residential development of more than 2 dwellings , 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. 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.
  - 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 to 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.



- i. The facilities shall be located 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.
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.
  - 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 27<sup>th</sup>, 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.

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 <sup>1</sup>						
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 <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	
<p>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).</p> <p>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.).</p>						

## 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.

- 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.

**City of Stevenson  
Shoreline Master Program**

<b>TABLE 6.2 – MITIGATION FOR VEGETATION REMOVAL WITHIN SHORELINE JURISDICTION</b>		
<b>Location of Vegetation Removal</b>	<b>Type of Vegetation Removal</b>	<b>Mitigation Action Required<sup>1,2,3,4</sup></b>
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>		

- 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. 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.

- 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.

- 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 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.



- 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

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.
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
    - 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), 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

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 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.

**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 which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the SMA.

**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.

**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., restaurants, offices, 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.

**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 at any state of water level. "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.

**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)).

**EII** – 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.

**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.

**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 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.

**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.

**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.

**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. A term synonymous with 100-year floodplain and means the land area susceptible to inundation with a 1 percent chance of being equaled or exceeded in any given year. The limit of this area is based on flood regulation ordinance maps or a reasonable method which meets the objectives of the SMA.

**Floodway** – The area that has been established in effective FEMA flood insurance rate maps or floodway maps. 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, 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 (e.g., private residential gardens, community gardens, pea patches associated with a public park, etc.).

**Geologically Hazardous Areas** – See SMC 18.13.010 – Definitions.

**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.

**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 20 acres or greater in total area. 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.

**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, 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 ell, floats, and gangways); mooring buoys; boathouses; mooring piles; lifts or boat lifts; canopies; boat launch; launch/moorage rails or 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 to provide 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.

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

**Pier** – An overwater structure adjoining 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 habitat type 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. 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).

**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.

**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. 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.

**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 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 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 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 nonstructural methods.

**Shoreline Stabilization , Nonstructural** – Shoreline stabilization methods including 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 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.

<b>Soft Shoreline Stabilization</b>	<b>Hard Shoreline Stabilization</b>
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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

**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 particular action is required unless there is a demonstrated, compelling reason, based on 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.

**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 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 aiding in land and water surface movement of people, goods, and services (e.g., roads, highways, bridges, causeways, bikeways, trails, 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, 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., power, telephone, cable, gas, water, sewer, stormwater service lines, etc.).

**Utilities, Primary** – Utilities comprising trunk lines or mains that serve neighborhoods, areas and cities (e.g., 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, stormwater mains and regional facilities, etc.).

**Variance** – See WAC 173-27-030 – Definitions. A means to grant relief from the specific bulk, dimensional or performance standards set forth in this SMP and not a means to vary a use of a shoreline.

**Vegetation** – See SMC 18.13.010 – Definitions.

**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 a location that is not adjacent to the water and which 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. A use that is water-dependent, water-related, or water enjoyment or a combination of such uses

**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.

**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.



**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.

<b>ACTIVE WATERFRONT</b>				
<b>Parcels in 2018 Stevenson’s Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
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			
<b>URBAN CONSERVANCY</b>				
<b>Parcels in 2018 Stevenson’s Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
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

<b>URBAN CONSERVANCY, Continued</b>				
<b>Parcels in 2018 Stevenson's Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
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		
<b>SHORELINE RESIDENTIAL</b>				
<b>Parcels in 2018 Stevenson's Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
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			
<b>NATURAL</b>				
<b>Parcels in 2018 Stevenson's Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
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	
<b>AQUATIC</b>				
<b>Parcels in 2018 Stevenson's Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
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

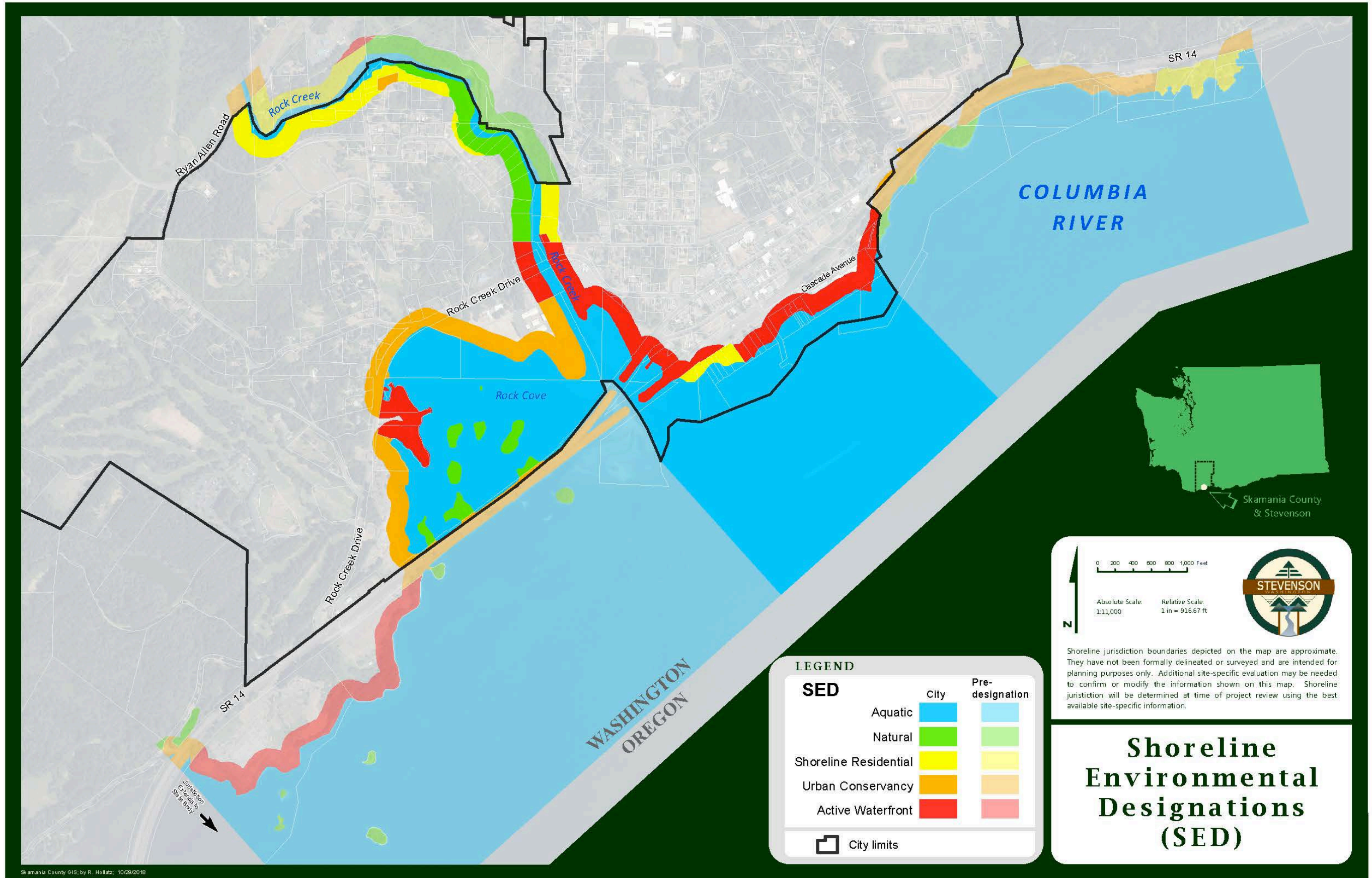
<b>AQUATIC, Continued</b>				
<b>Parcels in 2018 Stevenson’s Shoreline Jurisdiction</b>			<b>Pre-Designation Parcels</b>	
02-07-01-1-0-3601	02-07-01-2-0-1200	03-07-36-3-3-0119	03-07-35-1-4-0400	03-75-36-4-0-1700
02-07-01-1-0-3700	02-07-01-2-0-1201	03-07-36-3-3-0120	03-07-35-1-4-0401	03-75-36-4-0-1800
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 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.







## **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 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.

<b>TABLE A.2 – ECOLOGY APPROVAL LETTERS</b>			
<b>Change Number</b>	<b>Approval Letter Date</b>	<b>Effective Date</b>	<b>Notes</b>
null	4/4/2022	4/18/2022	Comprehensive Update and Periodic Review



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 4, 2022

The Honorable Scott Anderson  
City of Stevenson  
PO Box 371  
Stevenson, Washington 98648

**Re: Final Ecology Approval of City of Stevenson Shoreline Master Program  
Comprehensive Update and Periodic Review**

Dear Mayor Anderson:

The Department of Ecology (Ecology) is pleased to announce final approval of the City of Stevenson (City) Shoreline Master Program (SMP) amendment. Congratulations to you, your staff, and the Stevenson community for completing this combined comprehensive update and periodic review. We know this has been a long and challenging process. We appreciate your commitment to comprehensive land use planning for Washington's unique and valuable shorelines.

As you know, the following correspondence regarding the SMP update took place between Ecology and the City:

- February 14, 2019 – Ecology accepted the City's locally approved SMP amendment as complete for purposes of review (Resolution No. 2018-322).
- January 21, 2022 – Ecology conditionally approved the City's SMP comprehensive update and periodic review with twenty-five (25) specific required changes and thirty-three (33) recommended changes.
- March 28, 2022 – The City sent a response letter agreeing to all of Ecology's required and recommended changes, with one correction (adopted as Ordinance No. 2022-1181).

Ecology therefore approves the City's SMP comprehensive update and periodic review amendments, which includes all the agreed to required and recommended changes. The SMP approved by this action concludes the City's comprehensive update under RCW 90.58.080(2), and the City's periodic review under RCW 90.58.080(4). This action represents Ecology's final decision and there shall be no further modifications to the City's proposal.



The Honorable Scott Anderson  
April 4, 2022  
Page 2

**The effective date of the City's comprehensive SMP update is fourteen days from the date of this letter, Ecology's final approval letter.** This fourteen day period was established by legislative action in 2011 and is intended to provide lead time for the City's to prepare to implement the new SMP.

Ecology is required to promptly publish notice that the City's SMP has received final approval. The notice, in the form of a legal ad, will begin a 30-day appeal period. We will provide a copy of the legal ad to the City for its records.

Finally, if not already completed, please integrate the changes referenced in this correspondence into a final clean copy version of the complete approved SMP, including all appendices, within 30 days. When this is complete, please forward a digital copy of the complete approved SMP to Ecology.

Thank you again for your significant work and leadership in completing this SMP update. If you have any questions, please contact our regional planner, Michelle McConnell, at [Michelle.McConnell@ecy.wa.gov](mailto:Michelle.McConnell@ecy.wa.gov) or (360) 407-6349.

Sincerely,



Misty Blair  
Shoreline Management Policy Lead

ec: Ben Shumaker, City of Stevenson  
Maria Sandercock, Ecology  
Michelle McConnell, Ecology





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