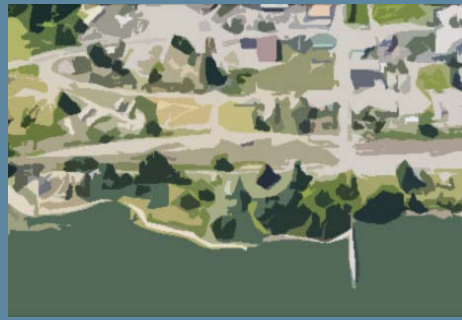


# **STEVENSON**

## SHORELINE MASTER PROGRAM



**City of Stevenson**  
**Public Release Draft Shoreline Master Program**

February 2018

Ecology Grant # G1200-044  
Tasks 3.2 through 3.5

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### City Council

Scott Anderson, Mayor  
Paul Hendricks  
Robert Muth  
Mark Peterson  
Jenny Taylor  
Amy Weissfeld

### Local Advisory Committee

Pat Albaugh  
Brian Birkenfeld  
Joe Birkenfeld  
Gerald Doblle  
Eran and Gloria Howell  
Mary Repar  
Tim Todd  
Bernard Versari  
Ken Wieman

### Planning Commission

Karen Ashley  
Chris Ford  
Matthew Knudsen  
Valerie Hoy-Rhodehamel, Chair  
Shawn Van Pelt

### City Staff

Eric Hansen, Public Works Director  
Leana Johnson, City Administrator  
Ben Shumaker, Planning Director, Primary Author  
Ken Woodrich, City Attorney

### State Staff

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Michelle McConnell, Regional Shoreline Planner

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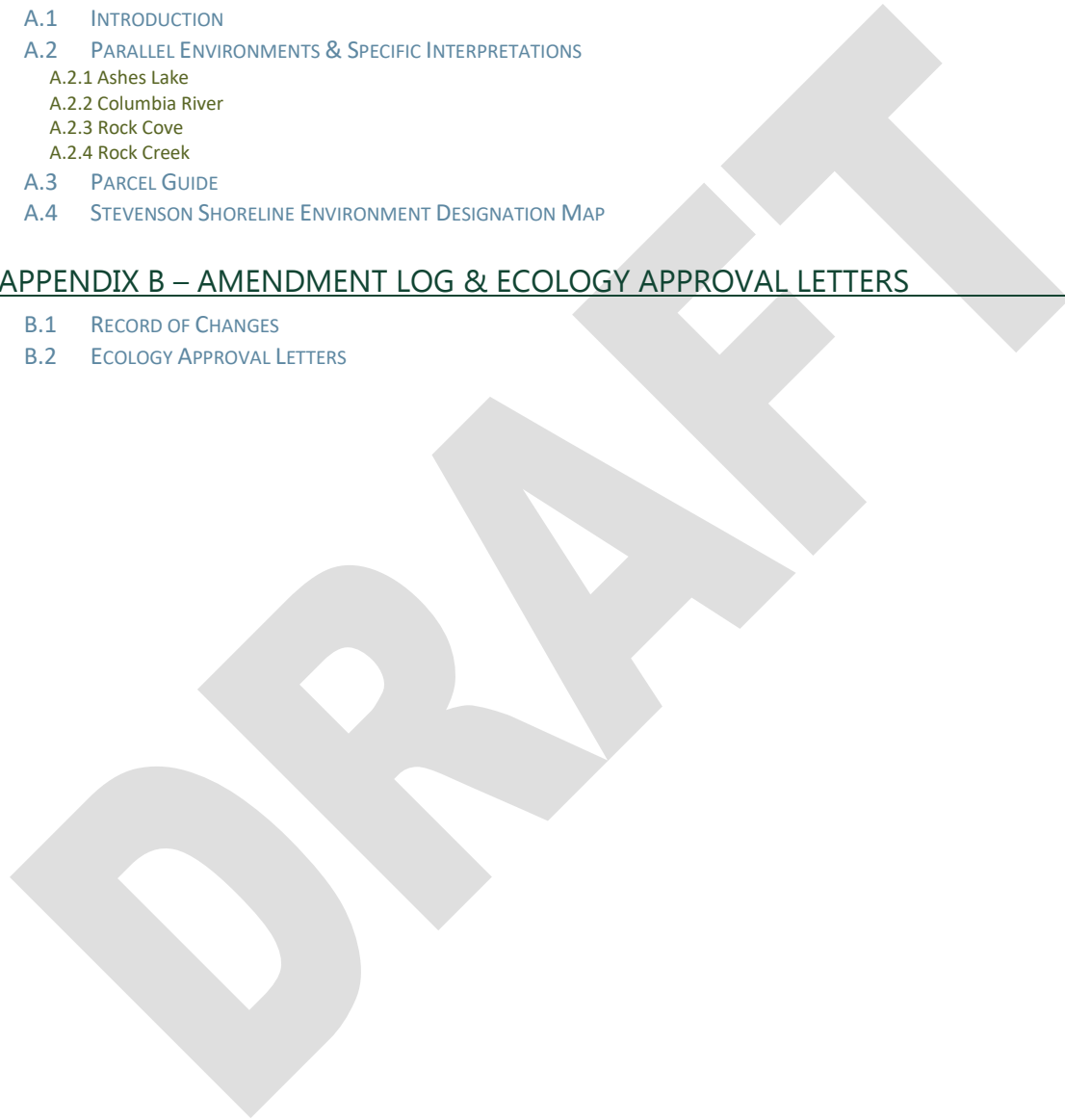
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## **Chapter 1 – Introduction & Goals**

### **1.1 Title**

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

### **5 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 is adopted in compliance with the Shoreline Master Program guidelines contained in Washington Administrative Code (WAC) 173-26 as may be hereafter amended.

### **10 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 or greater and lakes of 20 acres or larger. Streams and rivers with mean annual flow of 200 cubic feet per second or greater (east of the Cascade Range) or 1,000 cubic feet per second or greater (west of the Cascade Range), and lakes of 1,000 acres or larger 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. The City's shoreline jurisdiction does not include optional areas of 100-year floodplain, or buffers for critical areas. The extent of the shoreline jurisdiction shall be determined for specific project proposals based on the actual location of the OHWM, floodway, and the presence and delineated boundary of associated wetlands as may be determined on a site-by-site basis based on adopted definitions and technical criteria.

#### ***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 within the shoreline jurisdiction of this SMP as depicted on the Shoreline Environment Designation maps in Appendix A to this SMP. For any streams and rivers partly within shoreline jurisdiction, jurisdiction starts from an upstream point where the mean annual flow is 20 cubic feet per second and continues downstream from that point. In addition, shoreline jurisdiction also includes the associated wetlands of these waterbodies.

This SMP also predesignates areas outside of city limits that will be considered within Stevenson's shoreline jurisdiction upon annexation. Predesignated areas include extended reaches along the

Columbia River, Rock Cove, 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.

40 **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).

45 The boundaries of the shoreline jurisdiction on the maps are approximate. The actual extent of shoreline jurisdiction shall be based upon an on-site inspection and the definitions provided in accordance with SMP Sections 1.3.1 and 1.3.2, Chapter 7, and in accordance with RCW 90.58.030.

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

### 1.4.1 Overall Vision & Goals

50 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 or unique location on the Columbia River by balancing jobs, commerce, housing and recreation along the waterfront."

55 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.

- 60
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.
  - 65 4. **Historic & Cultural Resources** – Buildings and sites 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.
  - 70 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.

75 **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.
- 80 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.
- 85 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

90 The SMP shall apply to all land and waters under the jurisdiction of Stevenson as identified in SMP Sections 1.3.1, 1.3.2, and 1.3.3 above. If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 and that provide the greatest protection of shoreline ecological resources shall apply, as determined by the Shoreline Administrator.

95 This SMP shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the SMA. This SMP applies within the external boundaries of federally-owned lands (including but not limited to, private inholdings in a national forest or national wildlife refuge). The SMP shall not apply to federal agency activities on federal lands. Please see SMP Section 2.5 below for more information on when a permit is required. Regardless of their exempt status, exempt uses or modifications are still considered regulated activities under this program even if they do not require a substantial shoreline development permit. Such activities must continue to demonstrate compliance with the policies and regulations contained in the SMP in accordance with WAC 173-27-040(1)(b) and be authorized by a statement of exemption. The SMP applies to all regulated activities (i.e. shoreline uses, development, and modifications) proposed within shoreline jurisdiction.

### 1.6 Relationship to Other Plans and Regulations

110 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 Permit by the U.S. Army Corps of Engineers (USACE), Section 401 Permit 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.

115 Applicants must also comply with the Stevenson Comprehensive Plan and any applicable subarea plan.

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.

## 120 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

125 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.

130 **Chapter 2 – Administrative Provisions:** Provides a system by which shoreline permits, including substantial development, conditional use, and variance, as well as statements of exemption, are considered.

135 **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 4 designated shoreline environments (Aquatic, Natural, Shoreline Residential, and Urban) are detailed in this chapter.

140 **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, public access, vegetation conservation, water quality, shorelines of statewide significance, and economic development.

145 **Chapter 5 – Specific Shoreline Use Provisions:** Details the policies and regulations applicable to specific shoreline use categories such as, but not limited to, aquaculture, commercial, industrial, boating facilities and overwater structures, residential, recreation, transportation, and 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.

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

## 1.9 Periodic Review & Amendments to the Shoreline Master Program

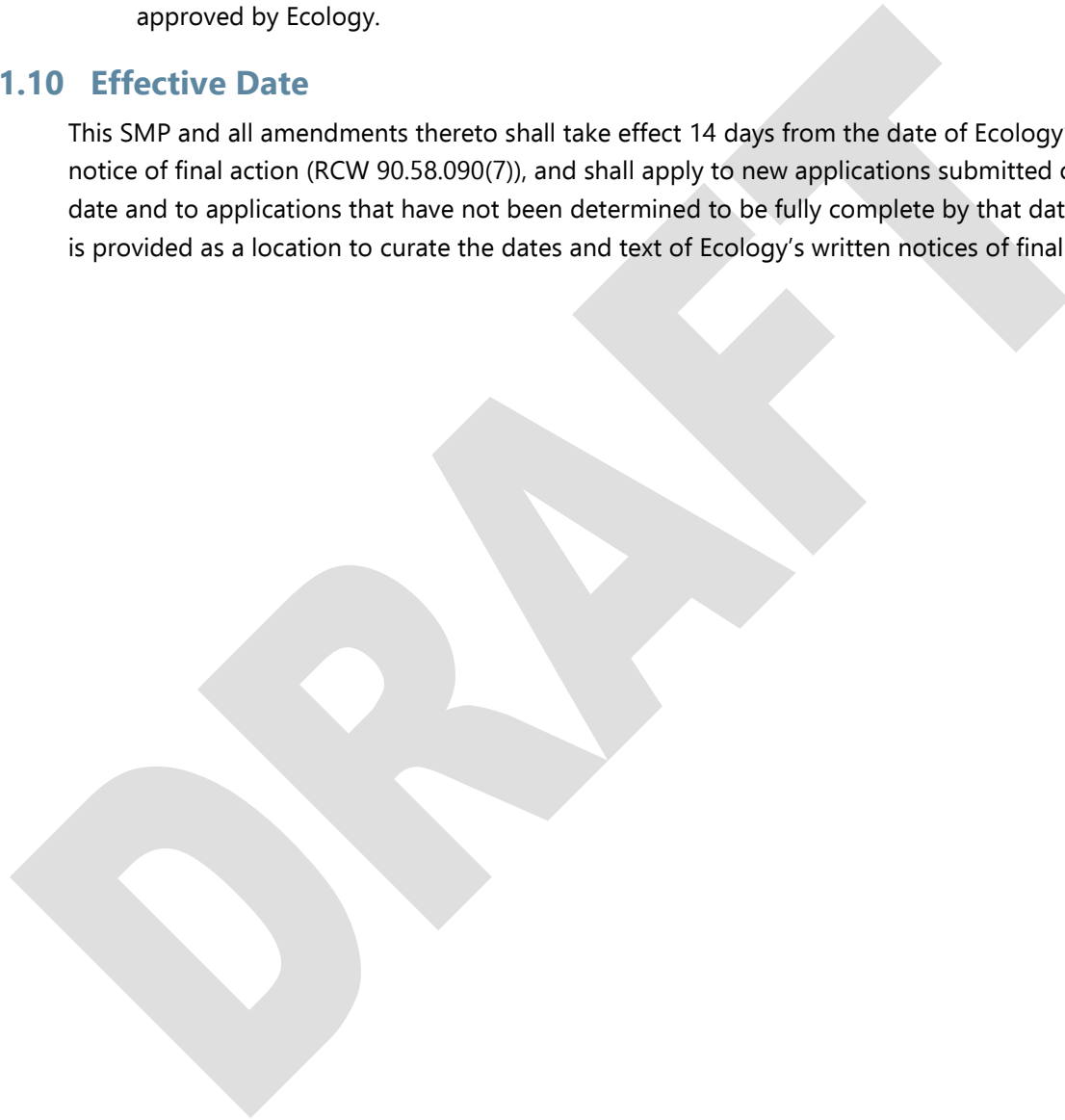
1. Any provisions of this SMP may be amended as provided for in RCW 90.58.120 and .200 and WAC 173-26.
- 155 2. This SMP shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information, or improved data, and changes in state statutes and regulations.

3. As part of the required SMP update, 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.
- 160 4. The SMP review and update 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.

### 165 **1.10 Effective Date**

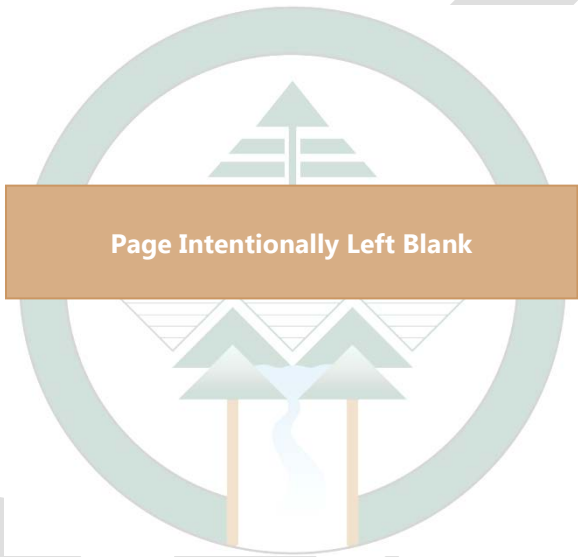
This SMP and all amendments thereto shall take effect 14 days from the date of Ecology's written notice of final action (RCW 90.58.090(7)), and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date. Appendix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

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## **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 permit is required. This Chapter establishes an administrative system assigning responsibilities for implementation of the SMP and shoreline permit review; prescribes an orderly process by which to review proposals and permit applications; and 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 section shall prevail.

### **2.2 Shoreline Administrator**

The Planning Director herein referred to as the “Shoreline Administrator” or “Administrator”, or that person’s designee, is hereby vested with overall responsibility for administering 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 regulated 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 for to ensure compliance with this SMP.

### **2.4 Permit Process**

#### ***2.4.1 Permits Required***

1. Any person wishing to undertake activities requiring a substantial development or exempt development on shorelines shall apply to the Shoreline Administrator for an appropriate shoreline permit or statement of exemption.
2. All non-exempt activities proposed within the jurisdiction of the SMA, Chapter 90.58 RCW, and this SMP shall first obtain a Shoreline Permit (i.e. Shoreline Substantial Developments Permit, Shoreline Conditional Use Permit, or Shoreline Variances). No such activity shall be undertaken unless a permit has been obtained and the appeal period has been completed and any appeals

35 have been resolved and/or the applicant has been given permission to proceed by the proper  
authority.

#### 2.4.2 Application Contents

1. Proposed exempt developments shall submit an application on forms prepared by the Administrator together with such information necessary to determine consistency with SMP Section 2.4.
2. Proposed nonexempt development 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.
    - 45 i. The OHWM may be an approximate location, provided that, 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  
50 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.
  - b. A narrative describing the proposal in detail including how the proposal is consistent with this SMP
  - 55 c. Identification of all critical areas on the subject property.
  - d. Maps and drawings.
  - e. Project and construction details, including grading and (re)vegetation plans.
  - f. Proposed mitigation for unavoidable impacts, if necessary.
  - 60 g. 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  
65 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.
  - h. Fish and wildlife management plan, if applicable.
  - 70 i. 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 on  
75 or adjacent to any development for which the city can provide a 3D model.



- j. 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. Upon the review of materials submitted by an applicant, the Shoreline Administrator can, at that person's discretion, require peer review to be completed by a consultant chosen by the Shoreline Administrator, at the sole expense of the applicant.
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.

## 2.5 Exemptions from Shoreline Substantial Development Permits

### 2.5.1 Exemptions – Interpretation & Guidelines

Certain regulated activities are exempt from securing a Shoreline Substantial Development Permit (SSDP). The following guidelines shall assist in determining whether or not a proposed regulated activity is exempt:

1. Exemptions—as required by State law—shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions in WAC 173-27-040 may be granted a Statement of Exemption (SoE) from the SSDP process.
2. If any part of a proposed development is not eligible for exemption, 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 SSDP process is not an exemption from compliance the SMA (RCW 90.58), this SMP, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the SMA. Exemptions must still comply with no net loss of ecological functions, which may require mitigation even though the regulated activity is exempt.
6. The following list outlines common exemptions that shall not be considered substantial developments for the purpose of this SMP. This list of exemptions is further articulated and supplemented by provisions of WAC 173-27-040, as amended.
  - a. Any development of which the total cost or fair market value, whichever is higher, is below the threshold established by the SMA and any amendments to the SMA, if such development does not materially interfere with the normal public use of the water or shoreline. The substantial development dollar threshold applicable on the adoption date of this SMP is \$7,047. Under current law, the dollar threshold will be recalculated by the Office of Financial Management (OFM) every five years beginning on July 1<sup>st</sup>, 2007. OFM will post updated

dollar thresholds in the Washington State Register. See RCW 90.58.030(3)(e). The State Legislature may change the dollar threshold at any time.

- 120 b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements, when all of the conditions identified in WAC 173-27-040(2)(b) apply.
- 125 c. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMA or this SMP. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit or any permit which would have been required, 130 absent an emergency, pursuant to the SMA, the SMP Guidelines or this SMP, obtained. All emergency construction shall be consistent with the policies of the SMA and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
- 135 d. Construction or modification of navigational aids such as channel markers and anchor buoys.
- e. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family.
- f. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage structure for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exemption applies if the fair market value of the dock does not exceed the threshold established by the SMA, as amended.
- 140 g. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.
- 145 h. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization when all of the conditions identified in WAC 173-27-040(2)(m) apply.
- i. The process of removing or controlling aquatic noxious weeds when all of the conditions identified in RCW 17.26.020 apply.
- 150 j. Watershed restoration projects when all of the conditions identified in WAC 173-27-040(2)(o) apply.
- k. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the conditions identified in WAC 173-27-040(2)(p) apply.

### **2.5.2 Statement of Exemption Process**

- 155 1. The burden of proof that a development or use is exempt from the need to obtain a SSDP is on the applicant.
- 2. All exempt regulated activities, except for emergency development pursuant to WAC 173-27-040(2)(d), require that a SoE be issued by the Shoreline Administrator, including a USACE Section

10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the Federal Water Pollution Control Act of 1972.

- 160 3. At a minimum, applicants for a SoE shall provide a letter stating the applicable exemption under WAC 173-27-040, describe why development proposed by the applicant qualifies for an exemption, and include a statement of compliance with applicable sections of this SMP. Information shall be provided that is sufficient for the Shoreline Administrator to determine if the proposal will comply with the requirements of this SMP which, if necessary, may include project site plan graphics, building elevation drawings, or special studies showing how the project meets applicable sections of this SMP.
- 165 4. A SoE may be conditioned to assure consistency of the project with the SMA and this SMP.
5. A notice of SoE shall be provided to the applicant and any party of record. Such notices shall also be filed with Ecology, pursuant to the requirements of WAC 173-27-050.
- 170 6. The same measures used to calculate time periods for shoreline permits as set forth in WAC 173-27-040(4) shall be used for SoEs.
7. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Shoreline Administrator's decision on a SoE is not subject to administrative appeal.

## 2.6 Shoreline Substantial Development Permits

### 2.6.1 Shoreline Substantial Development Permits – Purpose – Applicability – Criteria

175 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:

- 180 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.
- 185 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
- 190 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.

195 **2.7 Shoreline Conditional Use Permits**

*2.7.1 Conditional Use Permits – Purpose – Applicability – Criteria*

200 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 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:

- 205 1. SCUPs may not be used to authorize a use that is specifically prohibited in a shoreline designation.
- 210 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 and WAC 173-27-160.
- 215 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.
- 220 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*

225 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*

230 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.

- 235 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.
- 240 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.
- 245 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:
- 250 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 such as irregular lot shape, size, or natural features 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;
  - 255 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.
- 260 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:
- 265 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.

## **270 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”—

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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 or Development is defined herein.
2. Nonconforming uses and development on Stevenson's shorelines shall meet the standards of the City of Stevenson Zoning Code, SMC 17.44 – Nonconforming Uses, 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 altered, repaired, or extended, provided, that the alteration 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 appurtenant, accessory uses and structures to nonconforming dwelling units must conform to all applicable requirements of this SMP.
  - d. A use which is listed as a conditional use but which existed prior to adoption of this SMP or any relevant amendment and for which a shoreline conditional use permit (SCUP) has not been obtained shall be considered a nonconforming use.
  - e. 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.
  - f. 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.In addition, conditions may be attached to the SCUP as are deemed necessary to assure compliance with the above findings, the requirements of this SMP and the SMA and to assure that the use will not become a nuisance or a hazard.
  - g. A nonconforming structure which is moved any distance must be brought into conformance with this SMP and the SMA unless a SVAR is approved.
  - h. 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 and all permits are obtained, and that the restoration is completed within 2 years of permit issuance.
  - i. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with local and state subdivision requirements prior to

the effective date of the SMA or this SMP, but which does not conform to the present lot size standards in the SMC may be developed, only if:

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- i. The proposed development is permitted by other City land use regulations; and
  - ii. The proposed development conforms to all other requirements of this SMP and the SMA.

## 2.10 Shoreline Permit Revisions

325 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. 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 330 173-27-100:

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:
  - 335 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;
  - 340 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;
  - 345 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:
  - 350 a. Are consistent with this section;
  - b. Would not otherwise require a shoreline permit per the SMA, WAC 173-27, 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.
- 355 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

- 360 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.
- 365 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.

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## **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.

### **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:
  - a. The Aquatic SED may only apply to lands waterward of the OHWM.
  - b. The Aquatic SED may apply independently or in conjunction with the SED applied to adjacent shorelands.
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**

- 40 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.
- 45 2. Location Criteria:
- a. The Natural SED may apply to shorelands that:
- 50 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.
- 55 iv. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, unstable bluffs, and ecologically intact shoreline habitats.
- v. As used in this section, Ecologically Intact Shorelines means 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.
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- b. The Natural SED may not apply to shorelands with significant existing agricultural lands, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the Natural SED.
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3. Management Policies:
- a. Prohibit any use that would substantially degrade the ecological functions or natural character of the shoreline area.
- 80 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.

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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.

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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.

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e. Allow commercial forestry as a conditional use provided it meets the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this SED.

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f. Allow agricultural uses of a very low intensity nature consistent with this SED when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of this SED.

g. Allow scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses provided that no significant ecological impact on the area will result.

### **3.2.3 Shoreline Residential Environment**

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1. Purpose: The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures that are consistent with this WAC 173-26. An additional purpose is to provide appropriate public access and recreational uses.

2. Location Criteria: The Shoreline Residential SED may apply to shorelands that have predominantly single-family or multi-family residential development or are planned and platted for residential development.

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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 shall be set 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.

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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.

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d. Limit commercial development to water-oriented uses.

### 3.2.4 Urban Environment

1. Purpose: The purpose of the Natural Environment is accommodate water-oriented commercial, transportation, recreation, and industrial uses while protecting existing ecological functions of open space and other sensitive lands and restoring ecological functions in areas that have been previously degraded.
2. Location Criteria: The Urban SED may apply to shorelands that are appropriate and planned for commercial, transportation, recreation, and industrial development that is compatible with maintaining 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 direction 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 when regulating uses in the Urban SED. For shoreline areas adjacent to commercially navigable waters, give highest priority to water-dependent uses.
  - c. Prohibit 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.

### 3.3 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.

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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.

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4. Where a SED boundary line divides a lot in single ownership at the effective date of this SMP and any amendment thereto, the use permitted on the least restrictive portion of such lot may extend to the portion lying in the more restrictive SED a distance of not more than 50 feet beyond the district boundary line.

5. If disagreement remains after applying the preceding rules, the City shall interpret the boundary during review of the underlying application.

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## **Chapter 4 – General Provisions for All Shoreline Uses**

### **4.1 Introduction**

The provisions of this section apply generally to all regulated activities in shoreline jurisdiction without regard to environment designation, as appropriate. For example, all sites that contain critical areas or archaeological resources where a regulated 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 that are either recorded at the state historic preservation office and/or by the City or 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 well before permit application. The intent is to allow these parties ample time to assess the site and make arrangements to preserve archaeological, cultural, and historic sites as applicable. These parties include the Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz tribes, the Washington State Department of Archaeology and Historic Preservation (DAHP), and others.
5. If development or demolition is proposed adjacent to an identified archaeological, cultural, or historic site, then the proposed development should be designed and operated to be compatible with continued protection of the archaeological, cultural, or historic resource.

#### ***4.2.3 Regulations***

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

- 40 archaeologist prior to issuance of any shoreline permit or approval, including a shoreline  
statement of exemption. Work may not begin until the inspection and evaluation have been  
completed, and the City has issued its permit or approval.
- b. An archaeological survey may be required to be conducted based on the recommendations  
of an archaeologist contained in the site inspection and evaluation report. Any  
archaeological survey shall conform to DAHP's survey and reporting standards.
- 45 2. 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 an archaeologist, a cultural resource management plan shall be  
prepared prior to the City's approval of the project. A professional archaeologist and/or historic  
50 preservation management professional, as appropriate, shall prepare the cultural resource  
management plan. Cultural resource management plans at a minimum shall conform to DAHP's  
current standards. In addition, a permit or other requirement administered by DAHP pursuant to  
RCW 27.44 and RCW 27.53 may apply. If the archaeologist determines that impacts to an  
archaeological, cultural, or historic resource can be adequately avoided by establishing a work  
55 limit area within which no project work or ground disturbance may occur, then a cultural  
resources management plan is not required.
3. 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  
60 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  
65 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.
- 70 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  
75 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

### 80 4.3.1 Policies

1. Uses, developments, and modifications on Stevenson's shorelines should be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.
2. New uses and developments should not have an unmitigated adverse impact on other shoreline functions fostered by this SMP.

### 85 4.3.2 Regulations

1. Mitigation Sequence. In order to ensure that regulated 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:
  - 90 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 such as project redesign, relocation, or timing to avoid or reduce impacts;
  - 95 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;
  - 100 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. 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:
  - 105 a. Current circumstances affecting the shorelines and relevant natural processes;
  - b. Reasonably foreseeable future development and use of the shoreline; and
  - 110 c. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

## 4.4 Critical Areas

### 4.4.1 Applicability

1. The provisions of this section apply to all lands and all regulated activities in shoreline jurisdiction, whether or not a shoreline permit or authorization is required.
- 115 2. The provisions of this section apply to all persons proposing a regulated activity on shoreline properties containing or likely to affect critical areas or their buffers, unless the proposed activity and its effects lie wholly outside any critical area or buffer.

3. Where a site contains 2 or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area.
4. This section provides specific critical area provisions for Fish & Wildlife Habitat Conservation Areas which supersede those regulations of SMC Chapter 18.13.095. The critical area provisions of SMC 18.13 related to Wetlands and Frequently Flooded Areas are supplemented by the regulations herein. The critical area provisions of SMC Chapter 18.13 related to Geologically Hazardous Areas and Critical Aquifer Recharge Areas continue to apply within shoreline jurisdiction.

#### 4.4.2 Policies

The Critical Areas protections of this SMP should:

1. 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 and values they provide to humans and the environment. Critical area functions include, but are not limited to, water quality; flood hazard reduction; habitat; endangered, threatened and sensitive species protection; water supply; and erosion control. Values include, but are not limited to, recreation; aesthetic enjoyment; prevention of property and habitat damage; and preservation of natural character.
2. Protect critical freshwater habitats, which are 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 (i.e., wetlands, geologic hazards, flood hazards, critical aquifer recharge areas, and fish and wildlife habitat conservation areas) overlap to a large extent with critical freshwater habitats. Protections for critical areas are also protections for critical freshwater habitats.
3. Protect hydrologic connections between water bodies, watercourses, and associated wetlands.
4. Consider conservation and protection measures to preserve or enhance anadromous fisheries during project design and mitigation activities.
5. Use the most current, accurate, and complete scientific or technical information available in the delineation, classification, mitigation, protection, and restoration of critical areas.
6. 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, such as public access and low-intensity recreational uses.
7. Permit water-dependent uses, including recreational facilities, piers, and docks and essential public facilities in critical freshwater habitat, provided the applicant demonstrates compliance with required mitigation sequencing and no net loss of ecological function.
8. Direct development and uses away from wetlands and their buffers to preserve the valuable ecological functions and potential human enjoyment of wetland areas. This includes: a) decreased erosion and sedimentation for adjacent streams and rivers, b) absorption of pollutants, c) habitat for rare plant and animal species, and d) wetland viewing and appropriate recreational activities adjacent to wetlands.
9. Limit new uses and development in flood hazard and 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.

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

#### 4.4.3 General Critical Area Regulations

- 165 1. The City of Stevenson shall not approve any application for SSDP, SCUP, shoreline variance, or  
shoreline statement of exemption, 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.
- 170 2. In addition to the information required elsewhere by this SMP, for any regulated activity that will  
impact a critical area and/or critical area buffer the applicant shall submit a critical areas report in  
compliance with this section and SMC 18.13.
- 175 3. The applicant shall determine and the City shall verify, on a case-by-case basis, whether any  
critical areas and/or critical freshwater habitat exist on or in close proximity to the subject  
property and the setback or buffer required under this chapter.
- 180 4. 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, disclosure of critical areas early 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.
- 185 5. Professional Review and Preparation.
- a. If a critical area report is required, the City may retain independent qualified consultants, at  
the applicant's expense, to assist in review of studies that are outside the range of staff  
expertise. The City may develop a list of pre-qualified consultants that can be used by an  
applicant in order to preclude the need for peer review of submitted reports.
- b. Critical area reports shall be written by a qualified professional, as defined in SMC 18.13.
- 190 c. Studies generated as part other federal or state permit processes (such as SEPA submittals,  
biological opinions or biological evaluations) 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.

#### 4.4.4 Fish & Wildlife Habitat Conservation Area Regulations

- 195 1. All new structures and land alterations shall be prohibited from fish and wildlife habitat  
conservation areas (HCAs) and their buffers, except in accordance with this section.
- 200 2. Any use or development proposed within or adjacent to an HCA with which state or federally  
endangered, threatened, or sensitive species have a primary association, shall ensure the HCA is  
protected as required by this SMP. If the Shoreline Administrator determines that a proposal is  
likely to impact an HCA adversely, additional protective measures (such as protective buffer  
standards, mitigation, and monitoring programs under SMC 18.13) may be required.

- 205
3. The City or its qualified professional biologist shall condition the approval of activities located in the HCA or its buffer as necessary. Approval conditions shall require the applicant to mitigate any potential adverse impacts according to the approved critical area report and habitat management plan. Performance bonds for required mitigation may also be made a condition of approval in accordance with the provisions of this section.
- 210
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.
5. All relevant state and federal permits shall be obtained for in-water work, and approval of land alteration within or adjacent to the HCA or its buffer shall not occur prior to consultation with WDFW and the appropriate federal agency.
- 215
6. Conditions shall be imposed, as necessary, based on the measures identified in the habitat management plan section of the critical areas report.

**Critical Area Report – Habitat Conservation Areas**

- 220
7. A critical areas report for fish and wildlife habitat conservation areas shall be prepared by a qualified biologist with experience analyzing aquatic and/or wildlife habitat and who has experience preparing reports for the relevant type of critical area. As deemed necessary by the Administrator, the City may seek WDFW review and input on the report's methodology. If such review is requested, the City will seek WDFW response within 14 days and will not rely solely on WDFW review.
- 225
8. Critical area reports for HCAs shall provide an assessment of habitats, including the following information related to both site and proposal:
- 230
- a. Characterization of riparian (streamside) vegetation species, composition, and habitat function,
- b. Description of the soil types adjacent to and underlying the stream, using the Soil Conservation Service soil classification system,
- c. Characterization of flow regime (i.e., perennial, intermittent, or ephemeral),
- 235
- d. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat in or adjacent to the project area,
- e. Identification of the qualities of the area that are essential to maintain feeding, breeding, and nesting, and an assessment of potential project impacts to the use of the site by the species;
- f. A discussion of any federal, state, or local species/habitat management recommendations, including the WDFW habitat management recommendations that have been developed for the identified species or habitat.
- 240
- g. Where proposed activities, uses, and alterations are located below the OHWM, identification of how the preservation and enhancement of anadromous fish habitat will be achieved including, but not limited to, the following:
- i. The allowable work window as designated by the WDFW.
- ii. Alternative alignments or locations for the activity that were determined infeasible.
- iii. Stream width and flow rate, stability of the channel including erosion or aggradation potential, type of substratum, discussions of infiltration capacity and biofiltration

- 245 before and after alteration, presence of hydrologically associated wetlands, analysis  
of fish and wildlife habitat, and any proposed floodplain limits.
- iv. Methods to minimize the degradation of the downstream functions or values of the  
fish habitat or other critical areas.
- h. A site map that shows: i) the location of the OHWM; ii) the toe of any slope 25% or greater  
within 25 feet of the OHWM; and iii) the location of any proposed or existing stream  
250 crossing.
- i. A habitat management plan that:
- i. Describes the mitigation sequence developed for the project according to SMP  
Section 4.3.
- ii. Recommends any mitigation measures which are necessary to address any impact to  
255 the functions and values of the HCA.
- iii. Recommends whether any buffers necessary for protection of the identified species.  
For riparian areas, no base buffer is required, but vegetation within shoreline  
jurisdiction adjacent to riparian areas shall be managed consistent with SMP Section  
6.4.1.
- 260 9. The applicant shall be guided by:
- a. The provisions of the City's Critical Areas Code, SMC 18.13.
- b. Management Recommendations for Washington's Priority Habitats and Species (1997),  
issued by WDFW, as amended.
- c. Any recovery and management plans prepared by WDFW for the listed species pursuant to  
265 WAC 232-12-297, National Marine Fisheries Service, and U.S. Fish and Wildlife Service listed  
species pursuant to the federal Endangered Species Act.

#### ***4.4.5 Frequently Flooded Area and Channel Migration Zone (CMZs) Regulations***

1. The regulations of this section shall apply in addition to the regulations for frequently flooded  
areas in SMC 18.13.
- 270 2. New or enlarged structural flood hazard reduction measures shall be allowed only by a shoreline  
conditional use permit and only when:
- a. It can be demonstrated by a scientific and engineering analysis that they are necessary to  
protect existing development;
- b. That nonstructural measures are not feasible;
- 275 c. Impacts to ecological functions and priority species and habitats can be successfully  
mitigated so as to ensure no net loss; and
- d. Vegetation standards consistent with SMP Section 6.4.1 are implemented.
3. 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:
- 280 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
- 285 e. A cost that is disproportionate and unreasonable to the total long-term cost of the  
development.

### **Critical Area Report – Channel Migration Zones**

- 290 4. Applicants are required to prepare a CMZ desk analysis report when shoreline uses and development are proposed within areas mapped as CMZs in Appendix C.0 of Stevenson’s Inventory & Characterization Report. The Administrator may waive this requirement after consultation with WDFW 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, LiDAR data or USGS topographic maps:
- 295 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.  
300 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.
- 305 5. If the desk analysis report determines that a CMZ is not likely to be present based on a review of aerial photos maps, GIS and/or LiDAR data then no field assessment is required.  
6. If the desk analysis report determines that channel migration is likely to be present based on the factors above, a field assessment report is required to confirm the presence of a CMZ, and field observations shall be documented in the report. Field observation findings shall include:
- 310 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**

- 315 7. If 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.

#### **4.4.6 Wetlands Regulations**

- 320 1. The regulations of this section shall apply in addition to the regulations for wetlands in SMC 18.13. Where these regulations conflict, the regulations of this SMP shall prevail.  
2. All regulated activities shall be prohibited from wetlands and their buffers, except in accordance with this section.

### **Critical Area Report – Wetland Delineation & Rating**

- 325 3. In addition to the report requirements in SMC 18.13.100, the determination of wetland ratings for associated wetlands shall be based on the entire extent of wetlands, unrelated to property lines or ownership patterns.

### **Wetland Protection Standards**

- 330 4. No net loss of wetland functions and values shall occur as a result of the overall project. 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. Mitigation plans shall be consistent with SMC 18.13.100(F).
  - 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.
- 335 5. Permitted Alterations in High Value Wetlands. Prior to approval of any Shoreline Permit in Category I or II wetlands or their buffers, the City shall verify that:
- a. The proposed project involves water-oriented activities, including public physical access;
  - b. The applicant can demonstrate that the activity will result in no net loss of shoreline ecological functions according to the mitigation sequencing in SMP Section 4.3 and achieves the following:
    - 340 i. The mitigation for such impacts shall preferably be within the same wetland or wetland buffer, but if that is not feasible given the size or scale of the water-oriented use, then mitigation occurs in accordance with SMC 18.13.100 and this section.
    - 345 ii. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland or its buffer using other design techniques, project location or configuration on the same project site.

## 4.5 Public Access

### 4.5.1 Applicability

350 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 regulated activities on shorelines are subject to the following policies and regulations.

### 4.5.2 Policies

- 355 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.
- 360 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 such views from public areas.
- 365 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.

#### 4.5.3 Regulations

- 370 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:
- 375 a. The proposed development or use will create a demand for, or increase demand for public access;
- b. The proposed use is not water-dependent and is not a preferred use under the SMA;
- 380 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.
- 385 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.
- 390 3. Public access will not be required where the applicant demonstrates it as 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;
- 395 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;
- 400 d. Unacceptable environmental harm will result from the public access which cannot be mitigated;
- e. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
- 405 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 (including but not limited to, 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.



- 410 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.
- 415
7. When required public access shall:
- 420 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 launching ramp, 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;
- 425 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.
- 430 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.
- 435 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.
- 440 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.
- 445 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.
- 450 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:

- 455 10. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- 460 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.
- 465 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.
- 470 c. The City may require specific public access improvements, such as public viewing decks, as mitigation in lieu of more significant modifications to site and building design when the Planning Commission determines that such modifications would be an unreasonable financial burden on the applicant.
- 475 11. 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 10 above, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

## 4.6 Water Quality & Non-Point Source Pollution

### 4.6.1 Applicability

475 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.

### 4.6.2 Policies

- 480 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 wildlife.
- 485 2. 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.
3. 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.

### 4.6.3 Regulations

- 490 1. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quality in accordance with all applicable laws, so that there is no net loss of ecological functions.
2. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that significant impacts to aesthetic qualities or recreational

opportunities do not occur. A significant impact to aesthetics or recreation would occur if a stormwater facility and appurtenant structures such as fences or other features have the potential to block or impair a view of shoreline waters from public land or from a substantial number of residences per RCW 90.58.320, or if water quality were visibly degraded so as to discourage normal uses such as swimming, fishing, boating, or viewing.

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3. Shoreline development and uses shall adhere to all required setbacks, buffers, and standards for stormwater facilities.

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4. All shoreline development shall comply with the applicable requirements of all applicable City stormwater regulations and the *Stormwater Management Manual for Western Washington*, including using low impact development techniques.

5. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.

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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.

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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.



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## **Chapter 5 – Shoreline Use Regulations**

### **5.1 Introduction**

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

### **5.2 Provisions Applicable to All Uses**

1. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, the following preferences and priorities shall apply in the order listed below:
  - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
  - b. Reserve shoreline areas for water-dependent and associated water-related uses.
  - c. Allow mixed uses projects that include or support water-dependent uses.
  - d. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
  - e. New uses shall be subject to the setback requirements and height limitations contained in Table 5.1 – Shoreline Use & Dimensional Standards.
2. 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 shore-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.

### **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 is permitted outright, 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 5.4.14.

- 40 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 and maximum building height applicable to the use, activity, or development categories within each SED. This table is intended to work in concert with the specific use policies and regulations that following, however, where there is a discrepancy between this table and the text of the SMP, the text shall take precedence.
- 45

TABLE 5.1 – SHORELINE USE & DIMENSIONAL STANDARDS												
Listed Shoreline Uses	Shoreline Environment Designation											
	Most Restrictive						to Least Restrictive					
	AQUATIC			NATURAL			SHORELINE RESIDENTIAL			URBAN		
	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)
P= Permitted, C=Conditional Use, X= Not Permitted, N/A= Not Applicable												
<b>Agriculture</b>												
All	X	N/A	N/A	X	-	-	X	200	35	X	N/A	N/A
<b>Aquaculture</b>												
Water-Oriented	C	N/A	35	X	N/A	N/A	X	N/A	N/A	C	0	35
Non-Water Oriented	X	N/A	N/A	X	N/A	N/A	X	N/A	N/A	C	150	35
<b>Boating Facilities &amp; Overwater Structures</b>												
Non-Motorized Boat Launches	See Adjacent Upland Environment			C				P				P
Mooring Ball				C				C				P
Floats				X				C				P
Motorized Boat Launches				X				C				P
Joint- or Community-Use Docks				X	N/A	35	P	N/A	35	P	N/A	35
Single-User Residential Docks				X				C				P
Private Exclusive Use Piers				X				C				P
Public Piers				X				C				P
Marinas	X				X				P	50		
<b>Commercial &amp; Industrial</b>												
Water-Dependent	P	35					X <sup>1</sup>	0	35	P	0	50
Water-Related, Water Enjoyment	C	N/A	35	X	N/A	N/A	X <sup>1</sup>	75	35	P	33	50
Non-Water-Oriented	X	35					X	-	-	C <sup>2</sup>	100	35
<b>Forest Practices</b>												
All	N/A	N/A	N/A	C	50	N/A	P	50	N/A	P	25	N/A

TABLE 5.1 – SHORELINE USE & DIMENSIONAL STANDARDS, CONTINUED												
Listed Shoreline Uses	Shoreline Environment Designation											
	Most Restrictive						Least Restrictive					
	AQUATIC			NATURAL			SHORELINE RESIDENTIAL			URBAN		
	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)
P= Permitted, C=Conditional Use, X= Not Permitted, N/A= Not Applicable												
<b>Institutional</b>												
Water-Dependent	C			C	100	35	C	100		P	0	50
Water-Related	X	N/A	N/A	X	N/A	N/A	C	100	35	P	50	50
Non-Water-Oriented	X			X	N/A	N/A	C	100		P	100	35
Cemeteries	X			X	N/A	N/A	P	50		C	50	35
<b>Instream Structures</b>												
All	C	N/A	35	C	0	35	C	0	35	C	0	35
<b>Land Division</b>												
All	C	N/A	N/A	C	N/A	N/A	P	N/A	N/A	P	N/A	N/A
<b>Mining</b>												
All	X	N/A	N/A	X	N/A	N/A	X	N/A	N/A	X	N/A	N/A
<b>Recreational</b>												
Water-Dependent	P		35	P	0	35	P	0	35	P	0	50
Water-Related/Water-Enjoyment	N/A		N/A	C	100		P	50		P	50	50
Trails Parallel to the Shoreline, View Platforms	C		35	P	50		P	50		P	25	35
Dirt or Gravel Public Access Trails to the Water	N/A	N/A		P	0		P	0		P	0	N/A
Non-Water-Oriented (golf courses, sports fields)	X		N/A	X	N/A	N/A	X	N/A	N/A	C	100	35
<b>Residential</b>												
Single-Family	X			X			P	50	35	X	N/A	N/A
Multi-Family	X	N/A	N/A	X	N/A	N/A	C	50	35	P	50	50
Over-Water Residences	X			X			X	N/A	N/A	X	N/A	N/A

TABLE 5.1 – SHORELINE USE & DIMENSIONAL STANDARDS, CONTINUED												
Listed Shoreline Uses	Shoreline Environment Designation											
	Most Restrictive						to Least Restrictive					
	AQUATIC			NATURAL			SHORELINE RESIDENTIAL			URBAN		
	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)	Allowance	Setbacks (ft)	Building Height (ft)
P= Permitted, C=Conditional Use, X= Not Permitted, N/A= Not Applicable												
Transportation & Parking Facilities												
Highways/Arterial Roads	C		35	X	N/A	N/A	C	100	35	P	100	N/A
Access & Collector Roads	X		N/A	C	100	35	P	100	35	P	50	N/A
Private Roads	X		N/A	C	100	35	P	50	35	C	25	N/A
Bridges	C		35	C	0	35	C	0	35	P	0	N/A
Railroads	C	N/A	35	C	100	35	C	100	35	P	100	N/A
Airports	X		N/A	X	N/A	N/A	X	N/A	N/A	C	150	35
Primary Parking Facilities	X		N/A	X	N/A	N/A	X	N/A	N/A	X	N/A	N/A
Accessory Parking (On-Site Parking Serving another Use, Including Recreation/Vista Uses)	X		N/A	P	100	35	P	100	35	P	33	35
Utilities												
Water-Oriented	P	N/A	35	C	0	35	C	0	35	P	0	35
Non-Water-Oriented (Parallel)	X	N/A	35	C	100	35	C	50	35	P	33	35
Non-water-Oriented (Perpendicular)	C	N/A	35	C	0	35	C	0	35	P	0	35
1 – All Industrial uses are prohibited, however, a Water-Oriented Commercial use may be allowed as a conditional use in the Shoreline Residential SED.												
2 – Conditionally allowed only when a) the project provides a significant public benefit with respect to SMA objectives (such as 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 or b) the site is physically separated from the shoreline by another property or public right-of-way.												

## 5.4 Specific Shoreline Use Policies & Provisions

### 5.4.1 Agriculture

- 50 1. Location Description. Agricultural uses are limited and largely inappropriate within Stevenson’s shorelines.
2. Applicability. In accordance with the provisions of WAC 173-26-241(3)(a)(ii), this SMP applies only to new agricultural activities. Existing agricultural uses are subject to the nonconforming use provisions of SMP Section 2.9.
- 55 3. Policies:
  - a. New agricultural uses should not be permitted on Stevenson’s shorelines.



- b. 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. Aquacultural uses are limited and largely incompatible with Stevenson's vision for its shorelines.
2. Applicability. This SMP applies to all proposed aquaculture uses. Aquaculture is the culture of farming of fish, shellfish, or other aquatic plants and animals. Upland finfish rearing facilities as defined in this SMP meet the definition of "agricultural activities." Nevertheless, these facilities are regulated by the provisions of this section and not SMP Section 5.4.1.
3. Policies:
- a. New aquaculture uses should be discouraged within Stevenson's shoreline jurisdiction.
- b. Because aquaculture is an activity of statewide interest, aquaculture may be considered as a Shoreline Conditional Use Permit (SCUP) within appropriate shoreline environment designations and when consistent with control of pollution and prevention of damage to the environment.
- c. 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, such as, but not limited to, parking lots, offices, storage, and dorm or sleeping quarters, shall be placed upland of water-oriented aquaculture uses. Such upland areas must be appropriate for the appurtenant and accessory development, including necessary infrastructure.
- g. New finfish rearing facilities required to offset the impacts of hydroelectric facilities under a FERC license shall first obtain a SCUP. Commercial rearing facilities are prohibited.

### 5.4.3 Boating Facilities & Overwater Structures

- 100 1. Location Description. Boating facilities and overwater structures serve an important role in providing recreational access to the City's shoreline waterbodies and bringing tourists to the City, and 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
- 105 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 a deteriorating private facilities where some change is expected. In the predesignated area along the Columbia River, there are additional boating facilities and over water structures related to private residential and industrial uses.
- 110 2. Applicability. Boating facilities and overwater structures include uses and structures such as private residential piers and docks (including singular, joint-use and community docks), piers and docks for non- residential use (commercial, industrial, aquaculture, recreational or public access use), marinas, mooring balls, boat and kayak launches, and components related to the above uses, such as gangways, ells, and floats. This section applies to all boating facilities and overwater
- 115 structures having as their primary purpose launching or mooring vessels, or serving some other water- dependent purpose, or providing public access.
3. Policies:
- 120 a. Boating facilities and overwater structures are water-dependent uses and should be allowed provided they can be located, designed, and constructed in a way that results in no net loss of shoreline ecological functions. In addition to achieving no net loss, boating facilities should locate where they will be compatible with neighboring uses, including navigational and aesthetic considerations and tribal treaty fisheries.
- 125 b. 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.
- 130 c. 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.
- 135 d. 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 such as, but not limited to, fishing, swimming, and pleasure boating.
- e. To limit the number and extent of overwater and in-water structures and minimize potential long-term impacts associated with those structures, mooring balls should be preferred over docks; public boating facilities and moorage structures that serve many should be preferred over shared moorage structures (either joint- use docks or community docks); shared moorage structures should be preferred over private, single-user facilities and structures.
- 140 4. Regulations:
- f. Piers should be preferred over floating docks where significant river or stream current does not occur.

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- a. All boating facilities and overwater structures shall be designed to be consistent with federal and state regulations, including design criteria established by the WDFW, the USACE, and the Washington State Department of Health.
  - b. Boating facilities and overwater structures shall be designed, constructed, and maintained to so as not to interfere with or impair the navigational use shorelines.
  - c. Boating facilities and overwater structures shall only be permitted where it can be demonstrated that:
    - i. The proposed site has the flushing capacity required to maintain water quality;
    - ii. They will not interfere with exercise of tribal treaty fisheries;
    - iii. Adequate facilities for the prevention and control of fuel spillage are incorporated into the proposal;
    - iv. The proposal is engineered or uses proven methods to maximize human safety and minimize potential for flood- or wind-related detachment of the facility from shore.
    - v. There shall be no net loss of ecological functions as a result of the development and associated recreational opportunities; and
    - vi. The proposed design will minimize impediments to fish migration.
    - vii. 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. Along braided or meandering river channels where the channel is subject to change in alignment.
    - ii. On point bars or other accretion beaches.
    - iii. In areas with important habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.
    - iv. 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, such as pump-outs and portable dump stations, 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 also be provided, where feasible. The locations of such facilities shall be considered on an individual basis in consultation with the state departments of Ecology, Health, Parks, and Washington State Department of Natural Resources (DNR) and WDFW, as necessary.
  - g. Boating facilities and private moorage 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

- 185 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  
structures.
- j. Exterior finish of all boating facilities and overwater structures shall be generally non-  
reflective, to reduce glare.
- 190 k. When required under SMP Section 4.5, public access providing overwater viewing  
opportunities shall be prioritized for inclusion with boating facilities and overwater  
structures.

#### 5.4.4 Commercial

- 195 5. Location Description. Commercial 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. Redevelopment of the Stevenson Co-Ply mill site and adjacent properties is likely  
and could including new commercial development.
- 200 6. Applicability. Commercial development means those uses that are involved in business trade  
including, but not limited to, occupied building space used for the conducting of retail, office,  
artisan, restaurant, lodging, childcare, professional business, entertainment, and privately  
operated recreational uses. This section applies:
- a. During the review of Shoreline Permits (SSDPs, SCUPs, SVARs) for new, altered, or expanded  
commercial uses.
- b. During the review of Shoreline Statements of Exemption (SoE) for commercial uses.
- 205 7. Policies:
- a. Proposed commercial uses shall adhere to the general use preferences contained in SMP  
Section 5.2, as applicable.
- b. 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.
- 210 c. 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.
- d. Restoration of impaired shoreline ecological functions and processes should be encouraged  
as part of new or expanded commercial development, especially for non-water-oriented uses.
- 215 8. Regulations:
- a. Water-dependent commercial uses shall be given preference over water-related and water-  
enjoyment commercial uses. Second preference shall be given to water-related and water-  
enjoyment commercial uses over non-water-oriented commercial uses.
- 220 b. Prior to approval of water-dependent uses, the Administrator 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. 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.

- 225 d. Water-related and water-enjoyment uses shall avoid impacts to existing navigation,  
recreation, and public access.
- e. Non-water-oriented commercial development shall not be allowed unless:
- 230 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
- 235 iii. The site is designated for commercial use and is physically separated from the  
shoreline by another property or a public right-of-way.
- f. New commercial developments shall provide public access to the shorelines, subject to SMP  
Section 4.5.
- g. 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  
240 development unless such improvements are demonstrated to be infeasible or inappropriate.

#### **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.
- 245 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.
- 250 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:
- 255 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  
260 ecological functions.
- c. Non-harvest forest practices, such as creation of roads, stream crossings, forestry structures  
and buildings, and log storage, should comply with the regulations of this section and result  
in no net loss.
- 265 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:

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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

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b. Along the Columbia River, a shoreline of statewide significance, no more than 30% of the merchantable trees located within 200 feet of the OHWM may be harvested within any 10-year period unless approved through a shoreline conditional use permit. Other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

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c. For the purposes of this SMP, preparatory work such as grading, installation of utilities, or vegetation removal, including clear cutting, 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. At a minimum, the conversion of forest land to non-forestry uses and/or developments shall not have a significant adverse impact to other shoreline resources, values, or other shoreline uses such as navigation, recreation, and public access.

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d. Non-harvest forest practices such as construction of roads, stream crossings, log storage, and 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:

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i. All forest practices subject to this SMP shall meet the setbacks in SMP Table 5-1.

**Roads**

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ii. Roads shall be constructed outside of shoreline jurisdiction unless demonstrated not to be feasible.

iii. 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.

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iv. Roads shall follow the contour of the land to avoid the necessity for deep cuts or placement fill to stabilize roads.

**Stream Crossings**

v. Bridges are preferred over culverts in streams to prevent impacts to aquatic life and habitats.

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vi. If culverts are proposed, they shall be designed to minimize impacts to aquatic life (e.g., allowing for passage of fish in streams).

**Log Storage**

- 310           vii.   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 in compliance with the *Stormwater Management Manual for Western Washington* (2014 or as amended).

315           **Temporary Structures**

- 315           viii.   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.

320           **5.4.6 Industrial**

- 320           1.   Location Description. Industrial uses within Stevenson shoreline jurisdiction currently occur on a limited amount of land owned by the Port of Skamania County where future changes and additions are likely. Addition of new industrial uses are likely on vacant lands adjacent to upper Rock Creek, and redevelopment of the Stevenson Co-Ply mill site and adjacent properties is likely and could including new industrial development.
- 325           2.   Applicability. Industrial uses include facilities for processing, manufacturing, and shipping finished or semi-finished goods. 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. This section applies:
- 330           a.   During the review of Shoreline Permits (SSDPs, SCUPs, SVARs) for new, altered, or expanded industrial uses.
- 330           b.   During the review of Shoreline Statements of Exemption (SoE) for industrial uses.
- 335           c.   In conjunction with all applicable shoreline use and modification provisions of this SMP (e.g., some 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.).
- 335           3.   Policies:
- 340           a.   Preference should first be given to water-dependent industrial uses over non-water-dependent industrial uses; and second, to water-related industrial uses over non-water-oriented industrial uses. Existing non-water-oriented industrial uses should phase out over time.
- 340           b.   New non-water-oriented industrial development should be prohibited on shorelines, unless the circumstances in WAC 173-26-241(3)(f) are found to exist.
- 345           c.   Industrial development in the shoreline should be located and designed 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.

- 350 d. Industrial development should locate where restoration of impaired shoreline ecological  
functions and processes and environmental cleanup can be included in the design of the  
project.
- e. Industrial facilities proposed in areas of the shoreline already characterized by industrial  
development should be given priority over such facilities proposed in shoreline areas not  
currently developed for industrial or port uses.
- 355 f. Industrial development should consider incorporating 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.
4. Regulations:
- 360 a. Proposed industrial development shall adhere to the use preference established in SMP  
Section 5.2 and SMP Table 5.1, as applicable.
- b. When allowed, industrial development shall be located, designed and constructed in a  
manner that assures no net loss of shoreline ecological functions.
- 365 c. 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, such as security worker booths,  
that are necessary for the operation of the water-dependent or water-related use.
- 370 d. 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 structures intended use.
- e. New industrial developments shall provide public access to the shorelines, subject to SMP  
Section 4.5.
- 375 f. 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.

#### **5.4.7 Institutional**

- 380 1. Location Description. Institutional uses include land uses and/or related structures for the  
provision of educational, medical, cultural, public safety, social and/or governmental services to  
the community. Cemeteries are located within the shoreline jurisdiction for Rock Creek and the  
pre-designated shoreline area along the Columbia River. The Columbia River, Rock Cove, and  
lower Rock Creek contain institutional uses for the Skamania County, the Port of Skamania  
County, and non-profit service providers. These uses are subject to change overtime.
- 385 2. Applicability.
- a. This section applies to all new, expanded, or altered institutional uses within Stevenson's  
shoreline jurisdiction.
- b. This section applies existing cemeteries, 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:



- 390 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  
395 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  
400 impacts to shoreline ecological functions and achieve no net loss in compliance with SMP  
Section 4.3.
- d. Institutional developments that abut the water's edge should provide physical and/or visual  
public access to the shoreline consistent with SMP Section 4.5.
4. Regulations
- a. Institutional uses shall be designed to prioritize uses such that water-dependent uses have  
405 preferred shoreline location, followed by water-enjoyment 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:
- 410 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
- 415 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.
- 420 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.

#### ***5.4.8 Instream Structures***

1. Location Description. Stevenson's shorelines include a variety of instream structures including  
425 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  
430 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:

435 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.

440 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

445 a. New instream structures shall obtain approvals through other agencies such as the USACE, Ecology, the WDFW, and the DNR, 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.

450 f. Instream structures shall provide for the protection, preservation, and restoration of ecosystem- wide processes, ecological functions, and cultural resources, including but not limited to, fish and fish passage, wildlife and water resources, hydrogeological processes, and natural scenic vistas.

**5.4.9 Mining**

455 1. Location Description. Mining uses are limited and largely inappropriate within Stevenson's shoreline jurisdiction.

2. Applicability. This SMP applies only to new mining uses. Existing mining uses, if present are subject to the nonconforming use provisions of SMC Section 2.9.

3. Policies:

460 a. New mining uses are not appropriate within Stevenson should not be permitted on Stevenson's shorelines.

**5.4.10 Recreational**

465 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.

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- 475 2. Applicability. This section applies to all new recreational uses which include public and private (commercial) facilities for recreational activities, such as camping, hiking, fishing, photography, viewing, birdwatching, and concession stands, and more intensive uses, such as parks with sports facilities and other outdoor recreation areas.
- 480 3. Policies:
- a. The City should develop a parks and recreation master plan that is mutually consistent with this SMP.
  - 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 should be allowed only if it can be demonstrated that they do not displace water-oriented recreational opportunities.
  - 485 c. Public access should be incorporated into all recreational projects consistent with SMP Section 4.5 and consistent with constitutional, 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.
  - 490 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.
  - 495 b. Non-water-oriented recreational developments may be permitted only where it can be demonstrated that:
    - 500 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.
  - 505 c. Non-water-oriented accessory uses, such as 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.
  - 510 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.

#### 5.4.11 Residential Development

- 515 1. Location Description. Single-Family and Multi-Family residential development exists and is  
planned for several areas of Stevenson's shoreline jurisdiction. The SMA considers single-family  
residences and their appurtenant structures to be preferred uses similar to water-dependent  
uses, such as ports, recreational uses, public access, and commercial and industrial  
developments. Single-Family uses are mainly considered for areas of upper Rock Creek, along  
520 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.
- 525 2. Applicability. Residential development includes single-family dwellings, multi-family  
development, and the creation of new lots through land division. This section applies:
- a. During the review of Shoreline Substantial Development Permits (SSDPs) for new, altered, or  
expanded residential uses including new subdivisions and multifamily developments.
  - b. During the review of Shoreline Statements of Exemption (SoE) for development of one  
single-family dwelling.
- 530 3. Policies:
- a. Development of single-family residential homes and appurtenant structures are preferred  
uses under the SMA 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 setback, vegetation conservation, and stabilization standards of this SMP,  
535 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 and/or parcels should provide public  
access consistent with SMP Section 4.5.
  - d. New floating homes should be prohibited due to their resulting increases in overwater  
540 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,  
545 but which do not meet setback, or height requirements in this SMP should be considered  
conforming under this SMP.
- 550 4. Regulations:
- a. New single-family homes are prohibited within the Urban Shoreline Environment  
Designation.
  - b. New over-water residences, floating homes, and livaboard vessels are prohibited.
  - c. Home occupations 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.

- 555 i. Minor Setback Adjustments, Setback Consistency. The Shoreline Administrator may  
approve a minor adjustment in setback standards for residential uses, up to a  
maximum of 10% provided that:
- 560 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 could be  
mitigated on site to achieve no net loss;
- 565 ii. Minor Setback Adjustments, Buildable Lots of Record. The Shoreline Administrator  
may approve a minor adjustment in setback standards for a residential uses on a  
legal lot of record where setbacks are required. The area covered by the setback  
shall be limited to no more than 50% of the lot area located upland of the OHWM.
- 570 iii. Setback Variances. Variances to setback standards that do not qualify for the minor  
adjustments above may be approved under the provisions of SMP Chapter 2.
- i. Water-oriented residential uses may be allowed within the setback provided that the  
total impervious surface coverage by all uses within the setback does not exceed  
10% of the area within setbacks of the subject property and when no net loss of  
shoreline ecological functions can be demonstrated. Water-oriented residential uses  
include stairs, walkways, unimproved/natural shoreline access trails, piers, docks,  
bridges, stabilization, and shoreline ecological restoration projects.
- 575 e. Impervious Surface Coverage. Within the Shoreline Residential designation, impervious  
surface coverage shall be limited to 50% of the lot or parcel within shoreline jurisdiction.
- f. Vegetation conservation and shoreline stabilization. New, expanded, or altered residential  
uses and subdivisions shall adhere to the vegetation conservation requirements of SMP  
Section 6.4.1 and the shoreline stabilization requirements of SMP Section 6.4.3 and shall be  
designed to prevent the need for public flood hazard reduction measures.

580 **5.4.12 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.
- 585 2. Applicability. This section applies to all new and redeveloped transportation and parking  
facilities.
3. Policies.
  - 590 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 impact existing or planned  
water-dependent uses adversely. Where feasible, a perpendicular alignment to shoreline  
should be preferred for transportation facilities over a parallel alignment which uses more  
595 shoreline area.

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

- 640 e. New, replacement and enlarged transportation facilities shall provide public access pursuant to SMP Section 4.5.
- 645 f. The City shall seek opportunities to obtain public easements and construct pedestrian connections over or under the railroad and state highway. The City shall place the pedestrian connection in its capital improvement plan and may require it as a condition of approval for Shoreline Permits, including permits involving new or replacement bridges and other transportation facilities.
- 650 g. Primary parking facilities (pay parking lots, park-and-rides) are not allowed within shoreline jurisdiction. Accessory parking (including parking for vista purposes) and loading facilities necessary to support an authorized shoreline use are permitted.
- 655 h. All of the following conditions shall be met when an accessory parking facility is proposed in the shoreline jurisdiction:
- 660 i. The facilities serving water-dependent and non-water oriented uses shall be located landward, adjacent to, beneath or within the building being served. The facilities serving water-related and water-enjoyment uses shall give first preference for location landward, adjacent to, beneath, or within the building being served.
  - 665 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.
  - 660 v. All facilities shall be screened from adjacent, dissimilar uses through the use of perimeter landscaping, fencing, or some other approved material.

#### 5.4.13 Utilities

- 665 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.
- 670 2. Applicability.
- 675 a. This section applies to primary uses and activities, 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, and wireless telecommunications.
  - b. This section does not apply to on-site utility features serving a primary use, such as a water, sewer or gas line to a residence or other approved use, which are considered "accessory utilities" and part of the primary use.
  - c. This section applies to actions related to utility facilities which do not qualify for a normal repair and maintenance exemption under SMP Section 2.5.
- 675 3. Policies.
- a. Non-water-oriented utility facilities should be located outside shoreline jurisdiction to the maximum extent feasible.

- 680 b. Utility facilities should 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.
- 685 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  
690 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.
- 695 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  
700 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;
- 705 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.

710 **5.4.14 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  
715 whether such unlisted uses are compatible with the listed uses.
2. Process. To the extent practicable and SMC 17.12.020 related to the interpretation of uses within  
the Zoning Code and WAC 173-27-160 related to Shoreline Conditional Use Permits (SCUPs)  
shall be used to guide the interpretation of uses under this SMP, provided that prior to  
establishing any unlisted within shoreline jurisdiction, the applicant shall first obtain a SCUP  
720 under SMP Section 2.7.



## **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. Reduce 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 – SHORELINE USE & DIMENSIONAL STANDARDS					
	Most Restrictive to Least Restrictive				
	AQUATIC	NATURAL	SHORELINE RESIDENTIAL	URBAN	
P= Permitted, C=Conditional Use, X= Not Permitted, N/A= Not Applicable					
Vegetation Removal	See Adjacent Upland Environment				
All		P	P	P	
Fill					
Fill Upland of OHWM		C	P	P	
Fill Waterward of OHWM		C	C	C	
Shoreline Stabilization					
Soft Stabilization		P	P	P	
Hard Stabilization		X	C	C	
Shoreline Restoration					
All		P	P	P	
Dredging <sup>1</sup>					
New Channel or Basin		X	C	P	
Maintenance Dredging		P	P	P	
Dredge Disposal w/i a Channel Migration Zone		X	C	C	
Dredge Disposal for Ecological Restoration/Enhancement		X	C	C	
Breakwaters, Jetties, Groins & Weirs					
All		C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	
<p>1 – Dredging for fill is generally prohibited except for projects associated with 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, such as woody debris installed in streams.</p>					

35 **6.4 Specific Shoreline Modification Provisions**

**6.4.1 Vegetation Removal**

1. Applicability:
  - a. This section applies to any regulated activity that results in the 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 is not intended to cover the removal or trimming of horticultural plants,

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lawn, or landscape trees. This section is also not intended to cover activities associated with a Forest Practices Permit, unless the permit involves conversion to non-forestry uses.

- 45 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.
  - 50 c. Maintenance of existing ornamental landscaping (such as lawns and gardens) should be and structures, including those that do not currently conform to vegetation conservation standards contained in this section or the shoreline setbacks of this SMP.
  - d. Shade-providing vegetation, especially on the south and west banks of waterbodies, should be prioritized.
  - 55 e. 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.
  - f. Voluntary enhancement of native shoreline vegetation should be encouraged.
  - g. Public education on the benefits of native vegetation, the impacts of lawn chemicals and fertilizers, and participation in the Skamania County master Gardeners training should be encouraged.
  - 60 h. Vegetation conservation should not apply retroactively to existing legally established uses and developments.

3. Regulations:

**General**

- 65 a. Vegetation clearing 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.
- 70 b. If removal of shoreline vegetation is unavoidable, vegetation removal shall be mitigated in accordance with the requirements in Table 6.2 – Mitigation for Vegetation Removal within Shoreline Jurisdiction. The removal of native vegetation within established gardens that serve a horticultural purpose shall not require mitigation under Table 6.2.

**Trees**

- 75 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. View Maintenance. Selective pruning of trees to maintain, create, or expand views shall be subject to all of the following requirements:
- 80 i. Pruning shall not include removal of understory vegetation;
  - ii. Pruning shall not involve the topping of trees;
  - iii. Pruning shall not include the removal of more than 1/3<sup>rd</sup> of the limbs of an individual tree; and
  - iv. Pruning shall not compromise the health of the tree(s).
- 85 e. Hazard Tree Removal. Where a tree is demonstrated to have a disease or pose a safety hazard it may be removed or converted to a wildlife snag only if the hazard cannot be

eliminated by pruning, crown thinning, or other technique that retains some of the tree's ecological function. A written report by a certified arborist or other qualified professional is required to evaluate potential diseases or safety hazards. The removed tree or vegetation should be left near the location it was removed from unless the Administrator or qualified professional warrants its removal to avoid spreading disease or pests. Any removed tree or vegetation shall be mitigated in accordance with Table 6.2 – Mitigation for Vegetation Removal within Shoreline Jurisdiction within one calendar year. Replacement trees shall be species that provide similar ecological functions as the removed tree and have a minimum 1 inch diameter DBH. For the purposes of this section, hazard tree removal shall be considered as construction/structure under the emergency exemption in SMP Section 2.5.1 6(c).

**Mitigation Area**

f. Mitigation Area, Planting.

- i. The mitigation area shall be planted within 1 year of the vegetation removal.
- ii. Mitigation areas require a planting density of 2 trees and 5 shrubs per 400 square feet of cleared area. For example, if a 3:1 ratio is required for 400 square feet of cleared area, then a 1,200 square-foot mitigation area shall be planted at the required density which would result in a total of 6 trees and 15 shrubs.
- iii. Bare root plants at least 24 inches long and/or containerized stock at least 1 gallon in size are preferred for mitigation planting. Live stakes at least 36 inches long may be used for willow, dogwood and cottonwood species. Hydroseeding may be used as an alternative when the above planting methods are demonstrated to be unadvisable.
- iv. The base of each plant shall be mulched at least 3 inches deep for a radius of at least 1 foot to inhibit weed growth, conserve water, and moderate soil temperature.

g. 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.

h. 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.
- v. In lieu of monitoring, a conservation covenant may be established which prevents future development or alteration within the mitigation area.

<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</sup></b>
Anywhere	Invasive or noxious vegetation, lawn, or landscaping	Native or non-native, noninvasive vegetation planting at 1:1 area ratio
	Diseased or Dangerous Tree	Similar species 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, lawn, or landscaping)	Native, woody vegetation enhancement planting at 1:1 mitigation ratio
	Native shrubs (not trees)	Native, woody vegetation enhancement planting at 2:1 mitigation ratio
	Native trees <12 inches DBH	Native, woody vegetation enhancement planting at 2:1 mitigation ratio
	Significant trees	Native, woody vegetation enhancement planting at 3:1 mitigation ratio
More than 50 Feet from OHWM	Any non-native shrub or tree removal	Native, woody vegetation enhancement planting at 1:1 mitigation ratio
	Any native shrub or tree removal	Native, woody vegetation enhancement 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 result in 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 – Ratios are shown as mitigation area/planting: impact area/removal.</p> <p>2 – 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>		

### Noxious Weeds

- i. 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.
- 5 j. Noxious Weeds. Removal of invasive species or noxious weeds included on the Skamania County Noxious Weed List is encouraged according to the following standards and guidelines:
  - 10 i. Coordination with the Skamania County and Washington State Noxious Weed Control program is encouraged prior to undertaking removal projects to ensure that the control and disposal technique is appropriate.
  - 15 ii. Removal of invasive species and noxious weeds on steep or unstable slope areas shall not be removed unless the impacts and a revegetation plan are part of an approved geologically hazardous critical areas report.
  - 20 iii. Hand removal is preferred over mechanical or chemical methods, if appropriate for the weed present. Chemical methods shall use approved herbicides according to label instructions.
  - iv. Where removal results in bare soils that may be subject to erosion or recolonization by invasive or noxious species, the area shall be stabilized using BMPs and planted according to the mitigation requirements in Table 6.2.
  - v. Invasive species removal projects that exceed 15,000 square feet should be phased if feasible to minimize the potential erosion and sedimentation impacts.

#### 6.4.2 Fill

- 25 1. Applicability: Any fill activity conducted within shoreline jurisdiction must comply with the policies and provisions herein. Fill is 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.
- 30 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.
- 35 3. Regulations:
  - a. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
  - 40 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.

- 45 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:
- 45 i. Water-dependent uses.
  - ii. Public Access.
  - 50 iii. Cleanup and disposal of contaminated sediments as part of an interagency  
environmental clean-up plan.
  - 50 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.
  - 55 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.
- 60 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.

65 **6.4.3 Shoreline Stabilization**

1. Applicability: This section applies to all new, enlarged, or replacement shoreline stabilization as  
those are defined in SMP Chapter 7.
2. Policies:
  - 70 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.
  - 75 d. Allow new or expanded 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.
  - e. Ensure all proposals for structural shoreline stabilization, both individually and cumulatively,  
do not result in a net loss of ecological functions.
- 80 3. Regulations:
  - General**
    - a. New development should be designed to avoid the need for future shoreline stabilization  
where feasible, including the following specific requirements:

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- 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 should not be 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 unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
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- 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 as quickly as feasible to pre-disturbance conditions or better to avoid impacts to the ecological function of the shoreline using native vegetation.
  - 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 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 where 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 measures.
  - d. When new, expanded, or replacement structural shoreline stabilization is demonstrated to be necessary per the above requirements of subsections e and f below, it shall:
    - i. Be the minimum size necessary and shall meet no net loss. Soft stabilization measures shall be implemented unless demonstrated not to be sufficient to protect the primary structures, dwellings or businesses.
    - ii. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict public access except where such access is demonstrated to be infeasible for reasons stated in SMP Section 3.6.3. 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, local governments should coordinate shoreline management efforts. If shoreline erosion is threatening existing development, local governments should adopt master program provisions
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for a management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

**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, such as tidal action, currents, and waves.
  - iii. In support of water-dependent development when all of the conditions below apply:
    - 1. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage;
    - 2. Nonstructural measures, such as 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.
  - 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, 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, or waves. For replacement stabilization structures, a

- 170 geotechnical report is recommended but not required. At a minimum, applicants  
must demonstrate need by addressing the following:
- 175 1. The structure or use will be at risk from currents, tidal action, 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;
  - 180 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.
- 185 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.
  - 190 iv. Soft shoreline stabilization measures that provide restoration of shoreline ecological  
functions may be permitted waterward of the OHWM.

#### **Repair of Shoreline Stabilization**

- 190 g. Normal repair and maintenance of shoreline stabilization is an exempt 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 exemption 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  
195 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**

- 200 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:
  - 205 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:
  - 210 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.

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- 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.

#### 6.4.5 *Dredging*

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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.
  - 225 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.
  - 230 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:
      - 235 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.
      - iv. As maintenance dredging for a previously dredged area and/or an existing authorized dredge prism.
      - 240 v. For projects associated with MTCA or CERCLA project or with a significant habitat restoration project approved by a Shoreline Conditional Use Permit (SCUP). 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, and iii) extraction is part of a comprehensive flood management solution.
  - 245 4. Dredge Disposal Regulations:
    - 250 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. When located within a channel migration zone (CMZ), disposal of dredged materials on shorelands or associated wetlands shall first obtain 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. New, expanded or replacement structures shall only be allowed if it can be demonstrated that they will not result in a net loss of shoreline ecological functions and that they support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
  - b. Breakwaters, jetties, groins, and weirs shall be limited to the minimum size necessary.
  - c. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas.
  - d. Proposed designs for new, expanded or replacement structures shall be designed by qualified professionals, including both an engineer and a biologist.

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## Chapter 7 – Definitions

As used in this SMP, the words below have the meaning given here unless the context clearly dictates otherwise.

### 7.1 Abbreviations & Acronyms

- 5       **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  
10       **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  
15       **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  
20       **WDFW** – Washington Department of Fish & Wildlife  
      **WDNR** – Washington Department of Natural Resources  
      **USACE** – United States Army Corps of Engineers

### 7.2 Words & Phrases

25       **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)  
30       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** – 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  
35       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,

40 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 Land** – Those specific land areas on which agriculture activities are conducted.

**Alteration** – Any human-induced change in an existing condition of a critical area or its buffer.

45 Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

**Anadromous Fish** – Fish that spawn in fresh water and mature in the marine environment.

**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.

50 **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  
55 waterward of the OHWM (WAC 173-27-040(2)(g)).

**Aquaculture** – The culture or farming of fish, or other aquatic plants and animals. Aquaculture does not include upland finfish -rearing facilities, which are considered agriculture.

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

60 **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  
65 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  
70 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.

75 **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** – Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the SMA. Refer to RCW 90.58.030.

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

80 **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  
85 disturbed areas; and (d) provide standards for proper use of chemical herbicides within critical areas.

**Boat/Kayak Launch or Ramp** – A graded slope, slab, pad, plank, or rails used for launching boats by means of a trailer, hand, or mechanical device.

**Boating Facility** – A public moorage structure (including marinas) or a private moorage structure serving more than four residences.

90 **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.

95 **Buffer** – The zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

**Channel Migration Zone (CMZ)** – 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.

100 **Clearing** – The destruction or removal of vegetation ground cover, shrubs and trees, including but not limited to, root material removal and/or topsoil removal.

105 **Commercial Development** – Those uses that are involved in business trade including, but not limited to, occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

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

**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.

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

**Critical Areas** – Any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this title.

115 **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.

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

125 **Development** – 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 of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d3a)).

130 **Dock** – A basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shore lands providing for the securing of a boat or vessel. As used here, a dock associated with a single- family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this SMP.

135 **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.

140 **Ecological Function** – 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.

**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)).

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

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

150 **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.

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

160 **Feasible** – For the purpose of this SMP, an action, such as a development project, mitigation, or preservation requirement, 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 certain actions are required unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City and State may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

170 **Fill** – 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.

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

185 **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 may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving.

190 **Floating Home** – 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** – A general and temporary condition of partial or complete inundation of normally dry land areas from: 1. the overflow of inland or tidal waters; 2. the unusual and rapid accumulation or runoff of surface waters from any sources.

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

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

210 **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  
215 nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as 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.

220 **Functions and Values** – The beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation enjoyment and other values.

**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.

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

**Geologically Hazardous Areas** – Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events (as designated by WAC 365-190-080(4)) may not be suited to

230 development consistent with public health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

**Geotechnical Report or Geotechnical Analysis** – 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.

235  
240 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** – The movement or distribution of the soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land.

**Groin** – A barrier-type structure extending from, and usually perpendicular to, the backshore 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.

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250

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

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

**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.

255

**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.

260

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

265

**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.

270

**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.

275

**Institutional Use** – A use and/or related structure(s) for the provision of educational, medical, cultural, public safety, social and/or recreational services to the community, including but not limited to cemeteries, schools, colleges, museums, and community centers.

280

**Instream Structure** – A structure placed by humans within a stream or river waterward of the ordinary high-water mark 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 such as piers, docks, gangways, and ell associated with moorage or public access are not an instream structure.

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

285

**Lake** – An area permanently inundated by water in excess of 2 meters deep and greater than 20 acres in size measured at the OHWM.

290

**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.

295

**Marina** – A private or public facility providing the purchase or lease of a slip for storing, berthing and securing more than ten 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, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boat.

**May** – 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).

300

**Mitigation** – The process of 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.

305

**Modification or Shoreline Modification** – Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

**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.

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

315 **Mooring Ball** – A floating object anchored to the bottom of a waterbody that provides tie up capabilities for vessels.

**Must** – A mandate; the action is required.

**Native Vegetation** – Plant species or communities indigenous to the region, including extirpated species.

320 **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 the SMP and which existed prior to the adoption of this SMP and any relevant amendments and for which a shoreline conditional use permit has not been obtained.  
325 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.

**Ordinary High Water Mark or OHWM** – 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.

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

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

345 **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** – Habitat types or elements with unique or significant value to one or more species as  
classified by WDFW.

350 **Professional Archaeologist** – A person with qualifications meeting the federal secretary of interior’s  
standards for a professional archaeologist. Archaeologists not meeting this standard may be  
conditionally employed by working under the supervision of a professional archaeologist for a period  
of four years provided the employee is pursuing qualifications necessary to meet the federal Secretary  
of the Interior standards for a professional archaeologist. During this four-year period, the professional  
archaeologist is responsible for all findings. The four-year period is not subject to renewal.

355 **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.

360 **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.

365 **Qualified Professional** – A person with experience and training in the pertinent scientific discipline,  
and who is a qualified expert with expertise appropriate for the relevant critical area subject in  
accordance with WAC 365-195-905(4). A qualified professional must have obtained a BS or BA or  
equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related  
field, and two years of related work experience. (a) A qualified professional for habitats or wetlands  
must have a degree in biology or a related environmental science and professional experience related  
to the subject. (b) A qualified professional for a geological hazard must be a professional engineer or  
geologist, licensed in the state of Washington.

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

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

375 **Regulated Activity**- Those activities that would be subject to review by the City. This definition  
includes a) new or expanded shoreline developments, modificaitons, 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 activites occurring as an  
inherent result of an approved or nonconforming shoreline development, modification, and or use (e.g.  
380 delivery and sales in commercial and industrial developments, eating and sleeping in residential  
developments, recreational activites on recreational lands, etc.).

**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.

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

**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.

395 **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. Including but not limited to chinook, Coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

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

400 **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** – A mandate; the action is required.

405 **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.

410 **Shoreline Administrator or Administrator** – The City Planning Director or designee, charged with the responsibility of administering 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.

415 **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.

420 **Shoreline Stabilization** – actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and non-structural methods.

**Shoreline Stabilization , Nonstructural** - methods include 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.

425 **Shoreline Stabilization, Structural** - methods can be “hard” or “soft. 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, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach.  
430 Examples of soft and hard stabilization techniques are listed below.

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

**Shoreline Statement of Exemption** – A letter generated by the shoreline administrator for an exempt activity under WAC 173-27-040 acknowledging the applicant’s compliance with the SMP.

435 **Shorelines** – 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** – A select category of shorelines of the state, defined in RCW 90.58.030(2)(f), including larger lakes and rivers with higher flow.

440 **Shorelines of the State** – The total of all “shorelines” and “shorelines of statewide significance” within the state.

**Should** – A strong preference; a particular action is required unless there is a demonstrated, compelling reason, based on a policy of the SMA and this SMP, against taking the action.

445 **Significant Tree** – Any tree that is at least 12 inches DBH. A tree growing with multiple stems is considered significant if at least one of the stems, measured at a point 6 inches from the point where the stems digress from the main trunk, is at least 8 inches in diameter. Any tree that is planted to fulfill requirements set forth by this SMP is also considered significant, regardless of size or species.

**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.



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

**Solid Waste** – All garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials  
of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous  
455 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** – Any portion of a watercourse, either perennial or intermittent, where the surface water flow is  
460 sufficient to produce a defined channel or bed. Streams also include natural watercourses modified by  
humans. Streams do not include irrigation ditches, canals, stormwater run-off facilities, or other entirely  
artificial watercourses.

**Substantial Development** – 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  
465 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.

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

470 **Transportation Facilities** – Those structures and developments that aid in land and water surface  
movement of people, goods, and services. They include roads and highways, bridges and causeways,  
bikeways, trails, and railroad facilities.

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

475 **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  
480 of agricultural activities, not aquaculture [RCW 90.58.065]). Upland finfish and upland finfish rearing  
facilities are not defined in the SMA or implementing WAC.

**Use or Shoreline Use** –The activities, functions, and/or structures for which a shoreline property is  
designed, arranged or intended, or for which it is occupied or maintained, let or leased. For the  
purposes of this SMP, activities, functions, and structures may also be referred to as uses,  
485 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.

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

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

495 **Variance** – A way by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.

**Vegetation** – Plant life growing below, at, and above the soil surface.

500 **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  
505 ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

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

**Water-Enjoyment Use** –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  
515 qualities of the shoreline.

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

**Water-Related Use** –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  
525 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.

530

**Wetlands or Wetland Areas** – Areas that are inundated or saturated by surface or ground water 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 nonwetland 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 wetland 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 nonwetland areas to mitigate the conversion of wetlands.

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## 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 area 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*

None at this time.

#### *A.2.2 Columbia River*

1. BNSF Railroad, Downtown Area – For areas east of the centerline of Rock Creek, the Urban 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.
2. BNSF Railroad, East Urban Area, A – For areas west of the centerline of Vallett Creek, the Urban SED applies to all lands upland of the railroad’s northwestern right-of-way line. The Natural designation applies to all such lands waterward of that line.
3. BNSF Railroad, East Urban Area, B – For areas east of the centerline of Vallett Creek, the Shoreline Residential SED applies to all lands upland of the railroad’s northwestern right-of-way line. The Natural designation applies to all such lands waterward of that line.
4. Private Parcel #03-75-36-3-0-1000 – Beginning with parcel 03-75-36-3-0-1000 and continuing eastward, all upland areas along the Columbia River are predesignated as Shoreline Residential.

#### *A.2.3 Rock Cove*

None at this time.

#### *A.2.4 Rock Creek*

1. 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.
2. 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.
3. 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.

40 **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 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.

45

URBAN	
Parcels in 2018 Stevenson’s Shoreline Jurisdiction	Pre-Designation Parcels
SHORELINE RESIDENTIAL	
NATURAL	
AQUATIC	

#### A.4 Stevenson Shoreline Environment Designation Map

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

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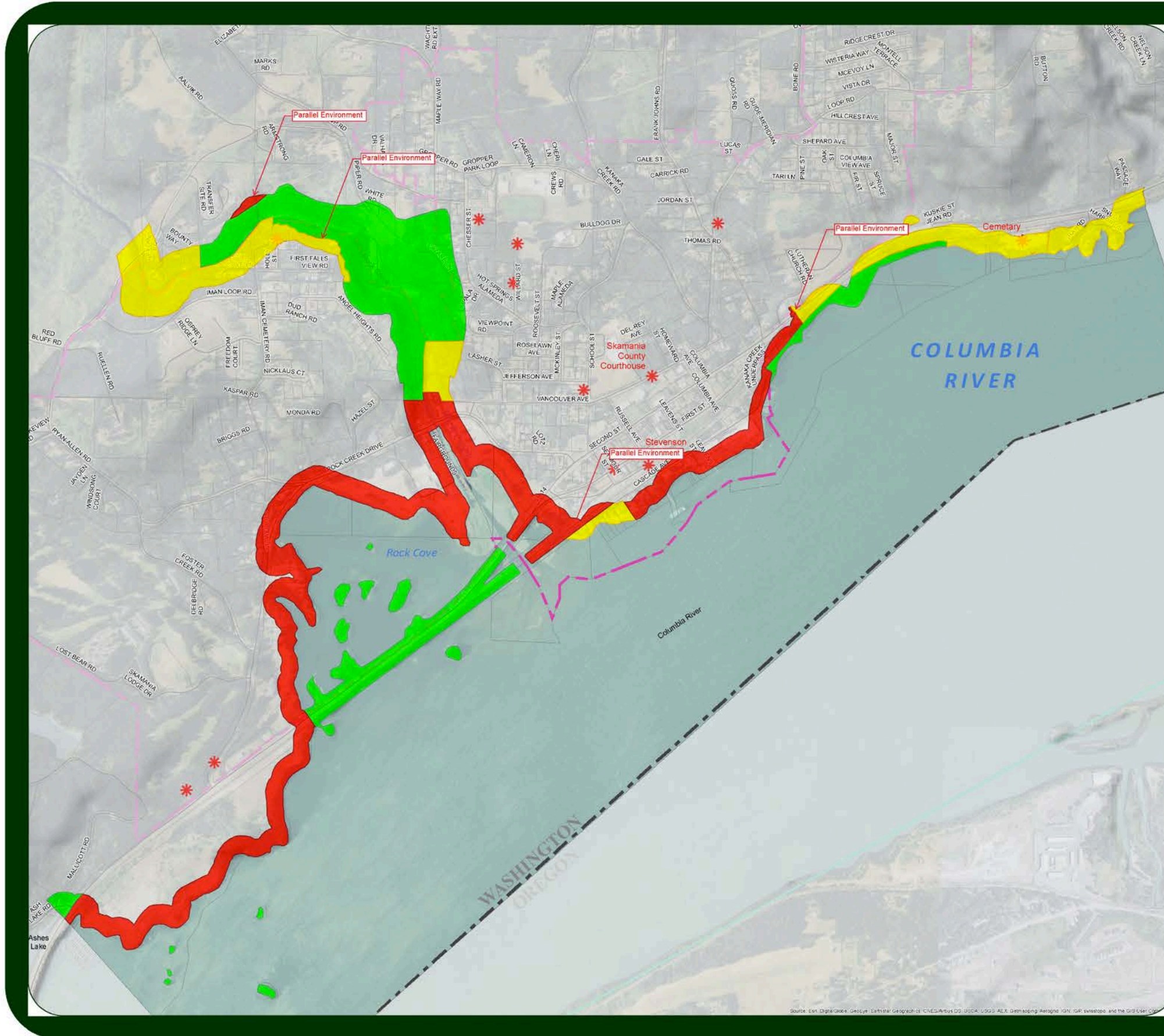
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# SHORELINES

## December Draft Shoreline Environment Designation Map

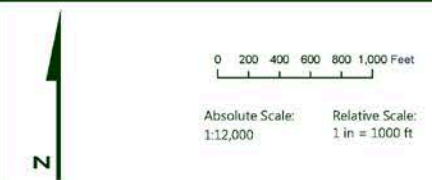
### LEGEND

- Stevenson City Limits
- State Border
- Parcel
- Rail Road
- Public Roads

### Skamania / Stevenson Historic Inventory

- Historic Property Inventory Points
  - Natural
  - Shoreline Residential
  - Urban
- Aquatic Areas are not specifically noted on this map  
but include all areas below the OHWM

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



BergerABAM, 6/5/2015



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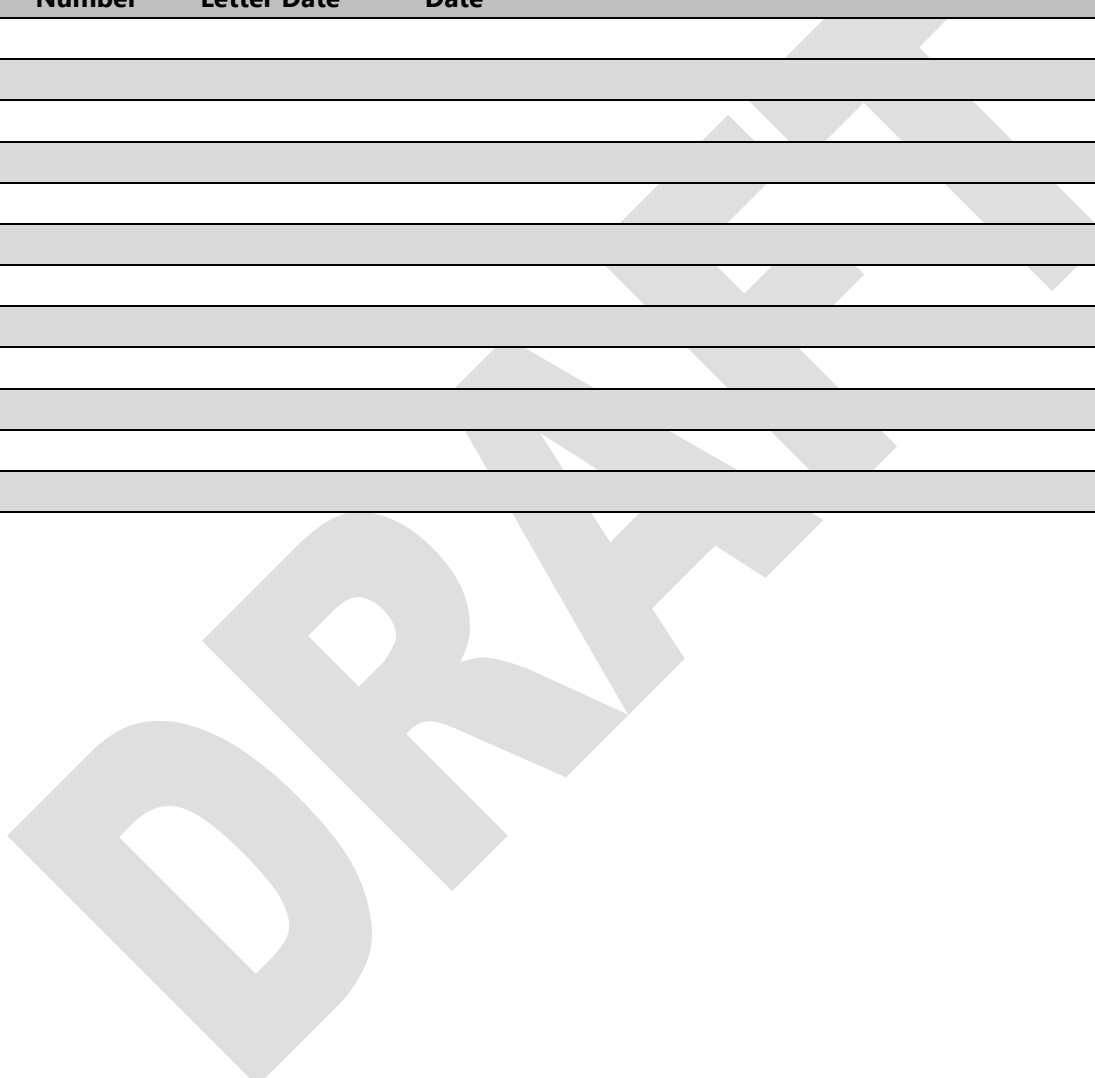


## B.2 Ecology Approval Letters

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

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



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Stevenson Planning Department  
PO Box 371  
Stevenson, WA 98648  
[www.ci.stevenson.wa.us](http://www.ci.stevenson.wa.us)