

December 2018

Title 18 – Environmental Protection

**SMC 18.08 Shoreline Management****SMC 18.08.010 Administration Authorized.**

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

**SMC 18.08.020 Shoreline Master Program and Map Adoption.**

- A. There is made a part of this chapter a management plan which shall be known as the “Stevenson Shoreline Management Program” or “SMP,” adopted \_\_\_\_\_, as well as a map which shall be officially known as the “Shoreline Environment Designation Map.” These documents shall be made available to the general public upon request.
- B. The Shoreline Environment Designation Map generally shows the shoreline areas of the city which are under the jurisdiction of the Act and the shoreline environments as they affect the various lands and waters of the city. The precise location of shoreline jurisdiction and shoreline environment boundaries shall be determined according the appropriate provisions of the SMP.

**SMC 18.08.050 Applicability of Provisions, Shorelines Designated.**

- A. Unless specifically exempted by state statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and the Stevenson Shoreline Management Program.
- B. This chapter applies to all areas within shoreline jurisdiction as designated in the SMP, including:
  - 1. That portion of the Columbia River shoreline which lies within city limits. This chapter will apply to any Columbia River shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP. The entire Columbia River shoreline is a Shoreline of State-Wide Significance;
  - 2. The Rock Cove shoreline;

December 2018

3. That portion of the Rock Creek shoreline which lies within city limits. This chapter will apply to any Rock Creek shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP.
4. Any portion of the Ashes Lake shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP.

**SMC 18.08.080 Shoreline Permits & Approvals—Required When.**

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

**SMC 18.08.100 Permits—Application Procedure.**

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

**SMC 18.08.110 Permits—Notice of Application.**

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

December 2018

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

**SMC 18.08.120 Permits—Fees.**

- A. An application for an approval under this chapter shall be accompanied by an application fee payable to the City in an amount established and periodically adjusted by the City Council.
- B. Fees are not refundable.
- C. Payment of an application fee does not guarantee that a permit will be issued.

**SMC 18.08.140 Permits—Interested Parties—Comment Period.**

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

**SMC 18.08.180 Planning Commission Action—Category A Proposals.**

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

**SMC 18.08.185 Shoreline Administrator Action—Category B Proposals.**

- E. No authorization to undertake proposed Category B use or development shall be granted by the Shoreline Administrator unless upon review the use or development is determined to be consistent with the policy and provisions of the SMA and the SMP.

December 2018

- F. The administrator shall, after considering all relevant information available and evidence presented, either grant, conditionally grant, or deny the proposal.
- G. In granting or revising a permit, the administrator may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions.
- H. The decision of the administrator shall be the final decision of the city on all applications for Category B proposals. The administrator shall render a written decision including findings, conclusions and a final order, and transmit copies of its decision to the persons who are required to receive copies of the decision pursuant to Section 18.08.190.

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

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

December 2018

3. “Date of filing” involving both a substantial development permit and a shoreline conditional use permit and/or shoreline variance is the date of transmittal of Ecology’s final decision on the shoreline variance or shoreline conditional use permit to the City and the applicant.

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

**SMC 18.08.200 Appeal from Administrator Decision.** Any person aggrieved by the Administrator’s granting or denying of a Category B proposal may seek review from the Planning Commission. Such an appeal must be filed as a request for the same within 21 days of receipt of the administrator’s decision. Upon issuance of a final order after an appeal, the City shall provide notice of said order pursuant to SMC 18.08.190.

**SMC 18.08.210 Permit Issuance and Effect.**

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

**SMC 18.08.220 Permit Duration—Extensions.**

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

December 2018

the City may adopt different time limits from those set forth above as a part of action on a shoreline permit.

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

**SMC 18.08.235 Variance and Conditional Use Permits—Ecology Review.**

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

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