

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

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

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INTRODUCTION

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

Description of Proposed Amendment

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

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

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

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

Need for the Amendment

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

SMP provisions to be changed by the amendment as proposed

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

FINDINGS OF FACT

Amendment History

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

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

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

Local Review Process

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

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

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

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

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

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



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

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

Consistency Review

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

Inventory and Characterization (WAC 173-26-201)

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

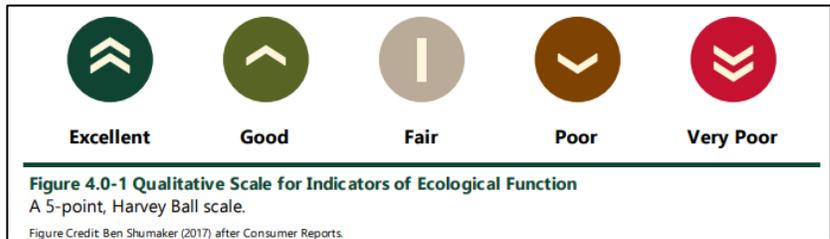
Public Release Draft (February 2018) and SEPA Review Draft (October 2018) versions, which preceded the final *City of Stevenson Inventory and Characterization Report* (December 2018).

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

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

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

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



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

4.4.1 Summary of Ecological Functions

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

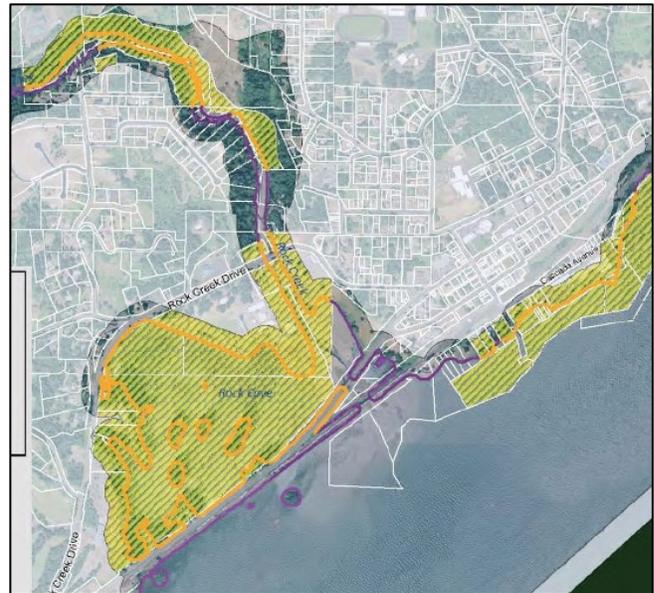
Channel Migration Zones - The reach-scale characterization recognizes a Planning Level Channel Migration Zone (pCMZ) along the Columbia River, established by a May 2016 technical memo provided by Ecology titled “Channel Migration Zone analysis of SMA streams in Skamania County”. The methodology of this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

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



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

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



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

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

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

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

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

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

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

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

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

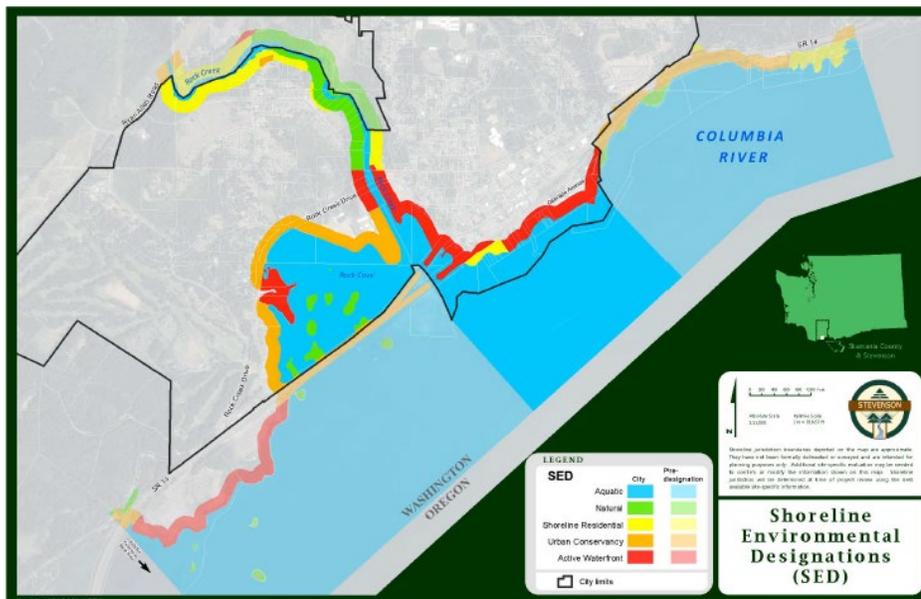
The updated SMP proposes to establish five (5) SEDs: Aquatic; Natural; Urban Conservancy; Shoreline Residential; and Active Waterfront. The City relies on the designation criteria established by WAC 173-26-211 with one exception of local tailoring to rename High Intensity as Active Waterfront. Distribution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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Shoreline Modifications (WAC 173-26-231)

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

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

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

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

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

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

Shoreline Use Provisions (WAC 173-26-241)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

² WAC 173-26-201(2)(c)

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

FIGURE 2-2 DISTRIBUTION OF SHORELINE ENVIRONMENT DESIGNATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Consistency with SMA and SMP Guidelines

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

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

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

Other Studies or Analyses supporting the SMP update

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

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

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

Department of Ecology review process

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

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

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

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

Ecology review timeline

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

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

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

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

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

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

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

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

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

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

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

Ecology Public Comment Period

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

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

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

Summary of Issues Raised During the Ecology Public Comment Period

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

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

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

Summary of Issues Identified by Ecology as Relevant to Its Decision

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

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

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

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

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

ENVIRONMENTAL PROTECTION AND NO NET LOSS POLICES AND REGULATIONS

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

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

⁴ RCW 90.58.050

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

As proposed, the following uncertainties for implementation are created:

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

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

CRITICAL AREA PROVISIONS

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

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

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

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

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

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

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

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

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

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

VEGETATION REMOVAL PROVISIONS

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

ADMINISTRATIVE PROVISIONS AND MINOR PROJECT AUTHORIZATIONS

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

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

PUBLIC ACCESS REGULATIONS

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

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

SHORELINE USE REGULATIONS AND USE TABLE

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

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

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

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

AQUACULTURE PROVISIONS

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

BOATING FACILITIES & OVERWATER STRUCTURES PROVISIONS

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

RESIDENTIAL DEVELOPMENT PROVISIONS

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

TRANSPORTATION & PARKING PROVISIONS

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

SHORELINE STABILIZATION REGULATIONS

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

SHORELINE RESTORATION POLICIES

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

DEFINITIONS

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

ADDITIONAL RECOMMENDED CHANGES

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

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

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

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

CONCLUSIONS OF LAW

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

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

Attachment A: Findings and Conclusions City of Stevenson SMP Comprehensive Update and Periodic Review

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

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

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

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

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

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

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

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

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

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

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

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

Decision and Effective Date

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

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

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