



City of Stevenson

Phone (509) 427-5970
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7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

March 15th Special Planning Commission Meeting

Monday, March 15, 2021

6:00 PM

A. Preliminary Matters

1. Public Comment Expectations:

Webinar: <https://us02web.zoom.us/j/86968383765>

Conference Call: +1 253 215 8782 or +1 346 248 7799

ID #: 869 6838 3765

Please raise hand to comment. Individual comments should be limited to 3 mins.

Tools: *6 to mute/unmute & *9 to raise hand

2. Public Comment Period: (For items not located elsewhere on the agenda)

B. New Business

3. Public Hearing: SHOR2021-01 Rock Creek Pump Station: Reviewing a proposal within Shoreline Jurisdiction from the Stevenson Public Works Department

C. Old Business

4. Street Vacation - Potential recommendation to City Council on a petition to vacate a section of Iman Cemetery Road at Rock Creek.

D. Discussion

5. Staff & Commission Reports: Hood River Bridge, Dog Mountain Shuttle, City Council Retreat

E. Adjournment



City of Stevenson

Planning Department

(509)427-5970

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

TO: Planning Commission
FROM: Ben Shumaker, Community Development Director
DATE: March 15th, 2021
SUBJECT: SHOR2021-01 – Rock Creek Pump Station Shoreline Substantial Development Permit

Introduction

The Stevenson Planning Commission is requested to review an application by the Stevenson Public Works Department for a Shoreline Permit. The permit request is related to the Rock Creek Pump Station adjacent to east of Rock Creek within the Rock Creek Drive right-of-way. In addition to the pump station upgrades, the proposal involves replacement of gravity lines and force mains and rerouting of a gravity storm sewer line within shoreline jurisdiction. Attachment 1 has been prepared by the Shoreline Administrator detailing the development for which approval is sought. The full record related to the application is available at:

<http://ci.stevenson.wa.us/wp-content/uploads/2021/02/SHOR2021-01PublicNotice.pdf>

These proposals require a Shoreline Substantial Development Permit (SSDP). The applicant has voluntarily agreed for the project to be reviewed under the Council Authorized draft update Shoreline Management Program (SMP). While Ecology has not formally approved the Council Authorized draft, they agreed to the processing of this permit according to the update.

This memo highlights the main sections of the Council Authorized SMP applicable to the project. A companion memo will be distributed in advance of the meeting providing detailed findings and conclusions related to the SMP.

Recommended Action

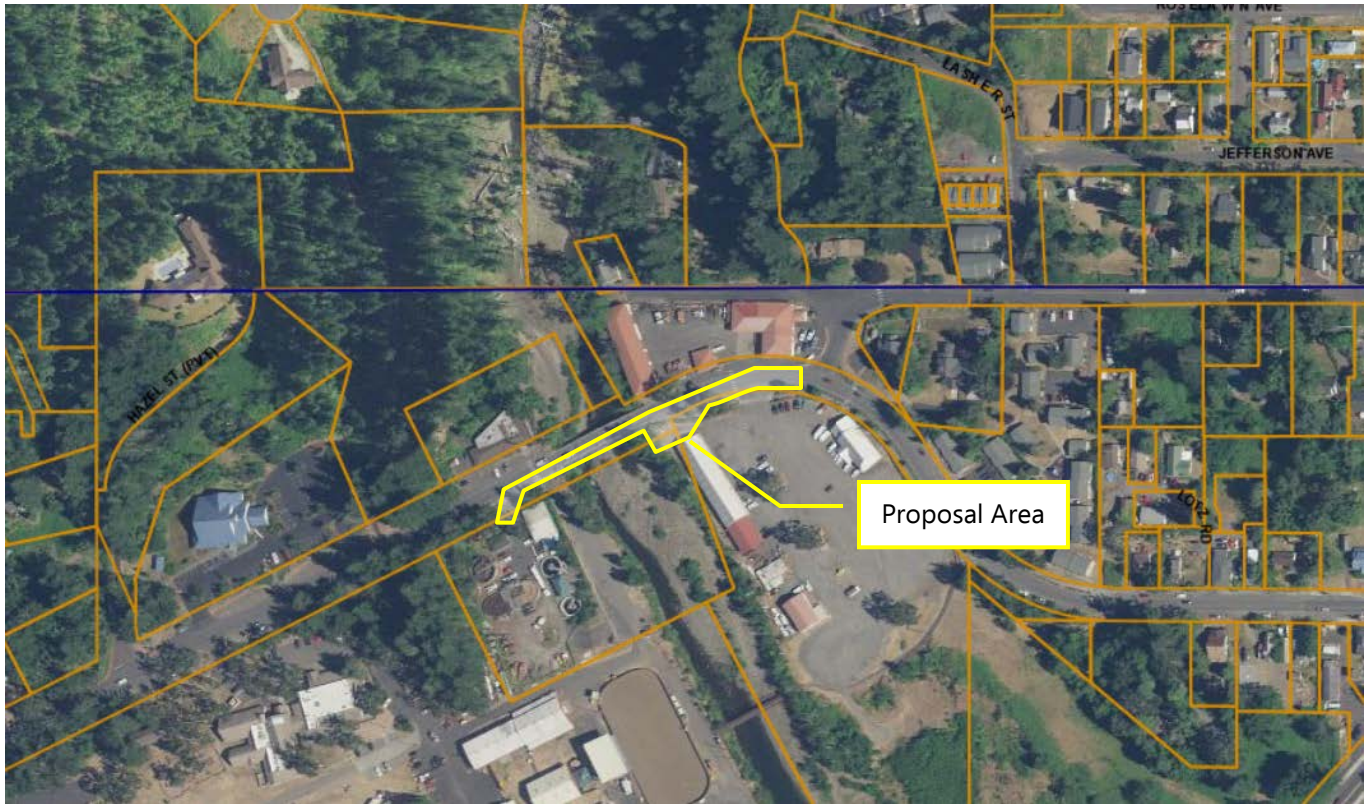
Staff recommends Planning Commission approval of the proposal subject to several process-related conditions.

Background

The Rock Creek Pump Station receives waste from all sewered areas east of Rock Creek and pumps it to the wastewater treatment plant on the west side of the creek. The pump station lacks sufficient capacity and improvements are identified in the City's 2016 *General Sewer Plan & Wastewater Facilities Plan Update*. This project is the first of many to be proposed for review. It is proposed in advance of other project components because its capacity increase is necessary prior to downstream and upstream components.

Site Characteristics

Owner/Applicant: City of Stevenson Public Works Department/Wallis Engineering
Location: Rock Creek Drive Right-of-Way near 575 SW Rock Creek Drive
Lot size: n/a



	Zoning	Land Use
Subject Property	PR-Public Use & recreation	Street right-of-way, utility corridor
North	PR, R3-Multi-Family Residential	County Public Works Facility, Single-Family Residential Dwellings
South	PR	County Motor Pool
East	R3	Single-Family Dwellings
West	PR	City Wastewater Treatment Plant, Foodbank, WGAP

Community Input

Notices have been mailed, posted, and published in the Skamania County Pioneer. As of this writing, no verbal or written comments have been submitted.

Alternatives

1. Deny this request based on its inability to meet the criteria of the Council Authorized SMC 18.08.
2. Approve this request as proposed with conditions of approval as determined tonight.
3. Take some other course of action as a Commission.

Prepared by,

Ben Shumaker, Shoreline Administrator

Attachments:

- Abbreviated Application Record (Narrative, Site Plan & Elevations, Critical Areas Plan)

Tracking Number: _____

SHORELINES PERMIT APPLICATION

Substantial Development, Timber Cutting, Conditional Uses, Variances



PO Box 371 Stevenson, Washington 98648

Phone: (509)427-5970 Fax: (509)427-8202

Request:

Substantial Development Timber Cutting Conditional Use Variance

Applicant/Contact: Jane Vale, P.E., Wallis Engineering

Mailing Address: 215 W 4th St., Suite 200, Vancouver, WA 98660

Phone: 360.695.7041

Fax: _____

E-Mail Address (Optional): JANEVAIL@WALLISENG.NET

Property Owner: City of Stevenson

Mailing Address: P. O. Box 371, Stevenson, WA 98648

Phone: 509.427.5970

Fax: _____

If There are Additional Property Owners, Please Attach Additional Pages and Signatures as Necessary

Subject Property Address (Or Nearest Intersection): 575 SW Rock Creek Dr.

Tax Parcel Number: 02070120010000

Zoning: PR & ROW

Name of Affected Waterbody: Rock Creek

Shoreline Designation: Active Waterfront

Current Use: Wastewater pump station & force main

Proposed Use: Wastewater pump station & force main

Brief Project Summary: Update existing Rock Creek pump station (PS) and replace 8" force main suspended from SW Rock Creek Dr. with a 12" force main. Permanent improvements will occur within same general location.

Existing Rock Creek PS is partially within OHWM setback from Rock Creek. Force main is within existing and proposed expanded ROW. Rock Creek PS is a nonconforming development and may be altered per SMP 2.9.2; a shoreline variance is not required. Applicant will comply with final draft of 2018 SMP. Critical areas are functionally isolated. SEPA conducted earlier.

Water Supply Source: NA

Sewage Disposal Method: NA

As the property owners of the real property described in this proposal, our signatures indicate our approval of this proposal, with the understanding that the proposal is subject to review, approval, and/or denial under SMC 18.04.

I/we hereby provide written authorization for the City to reasonably access to the subject property to examine the proposal and carry out the administrative duties of the Stevenson Municipal Code.

I/we hereby certify my/our awareness that application fees are non-refundable, there is no guarantee that a permit will be issued

Incomplete applications will not be accepted. • Please ensure that all submittals are included

Signature of Applicant:

Date: 1/5/21

Signature of Property Owner:

Date: 1/5/21

For Official Use Only:
Date Application Received _____ • Date Application Complete _____

Rock Creek Pump Station and Force Main Upgrade Shoreline Substantial Development Permit



Google 2020, Image Capture July 2018

Applicant: City of Stevenson, WA

Submitted by Wallis Engineering

January 04, 2021

APPLICANT INFORMATION

CITY OF STEVENSON

KARL RUSSEL, PUBLIC WORKS DIRECTOR

P.O. Box 371

STEVENSON, WA 98648

KARL@CI.STEVENSON.WA.US

509.427.5970

APPLICANT REPRESENTATIVE

JANE VAIL,

WALLIS ENGINEERING

215 W 4TH ST., SUITE 200

VANCOUVER, WA 98660

JANEVAIL@WALLISENG.NET

360.695.7041

PROPERTY OWNER

CITY OF STEVENSON

P.O. Box 371

STEVENSON, WA 98648

KARL@CI.STEVENSON.WA.US

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ROCK CREEK PUMP STATION AND FORCE MAIN UPGRADE

Rock Creek Basic Facts

Address: 686 SW Rock Creek Drive	Site Parcel: <u>02070120120100</u> (includes the WWTP) and abuts county-owned parcel 02070120010000 (construction staging area)
Parcel size: 8.19 Acres	Property Owner: City of Stevenson owns parcel <u>02070120120100</u> & Skamania County owns abutting parcel 02070120010000
Pump Station Site Size: 0.059 Acres	Zoning: Pump Station - Public Use & Recreation (PR)
Use: Permitted (SMC 17.35.040)	Zoning: Force Main - Public right-of-way

Rock Creek Summary

Exhibit A, Wastewater System Improvements: Land Use and Shoreline Management Act Permits, describes the scope and context of the multiple sanitary wastewater projects and permits to be submitted over time. This application is for a Shoreline Substantial Development Permit (SSDP) for the Rock Creek Pump Station (PS) and Force Main only.

The applicant proposes to upgrade the existing Rock Creek PS and the force main suspended from the existing Rock Creek Dr. bridge. Permanent development activity will be contained within the current facility location.

The Rock Creek PS and force main are pre-existing public utility structures. Both structures are permitted uses in the Public Use and Recreation District (PR). Ecological Land Services, LLC determined that the Rock Creek PS and Rock Creek Dr. bridge are functionally isolated from Rock Creek critical areas.

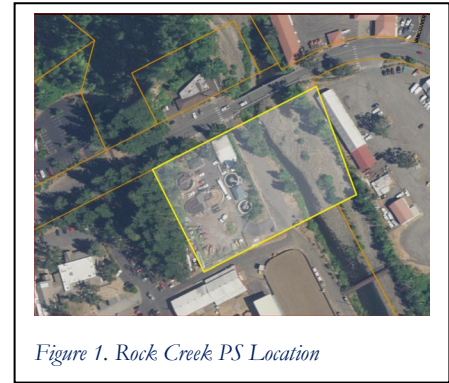
The applicant voluntarily proposes to demonstrate compliance with the draft Stevenson Shoreline Master Program. Both structures are located within the Stevenson Active Waterfront Shoreline Environmental Designation (SED) and are classified as permitted uses in the SED. The Rock Creek Ordinary High Watermark (OHWM) setback is 33 feet. The existing Rock Creek PS partially encroaches within the 33-foot OHWM. Therefore, the existing Rock Creek PS and force main are nonconforming developments within the Active Waterfront SED and within the OHWM.

The proposed Rock Creek PS improvements will essentially occur within the existing PS footprint and new improvements. New development will not further encroach on the OHWM setback. By operation of SMP 2.9.2, a structure conforming as to use but nonconforming as to shoreline setback may be altered and expanded provided, that the alteration meets the applicable provisions of the SMP and does not further exceed or violate the appropriate shoreline setback.

Therefore, the applicant has applied for a Shoreline Substantial Development Permit (SSDP) but, by operation of SMP 2.9.2 is not required to obtain a Shoreline Variance.

Rock Creek Existing Conditions

The Rock Creek pump station study area is located south of SW Rock Creek Drive, partially within the right-of-way (ROW) and parcel number 02070120120100. The existing pump station facility includes a wet and dry well, electrical components, and an 8-inch force main that attaches to the Rock Creek Bridge. The force main spans the bridge and discharges to the wastewater treatment plant (WWTP). The pump station and force main are owned by the city of Stevenson and are adjacent to property owned by Skamania County. See Figure 1.¹



The Rock Creek channel is west of the pump station separated from the Rock Creek Ordinary Highwater Mark (OHWM) by a thinly vegetated buffer. Ecological Land Services, LLC (ELS) mapped the Rock Creek OHWM based on a vegetation line, wrack deposits, scour lines, and exposed roots to discern the extent of the 150-foot riparian habitat buffer and 200-foot shoreline jurisdiction boundary within the study area.

The pump station is located on a flat terrace above the OHWM. ELS biologists characterized the project area as being degraded and consisting of sparse, mowed herbaceous vegetation and moss growing through gravel. To the east and south of the pump station is a Skamania County structure and maintained gravel parking lot. (See Wallis Sheet C2)

Rock Creek PS and Force Main Proposal

Proposed project work includes replacing the entire pump station facility with a combination of a paved and gravel footprint and a perimeter fence. Key components to the upgrade include installing new submersible pumps in a newly constructed wet well, new valves and flow meter in a below-grade valve vault, and new controls and telemetry housed under a kiosk structure. The existing 8-inch force main attached to Rock Creek Bridge will be replaced with an upgraded 12-inch force main along the south side of the bridge. All work will be conducted landward of the functionally isolated riparian buffer of Rock Creek. (See Wallis Sheet C5, Pump Station Civil Site Plan)

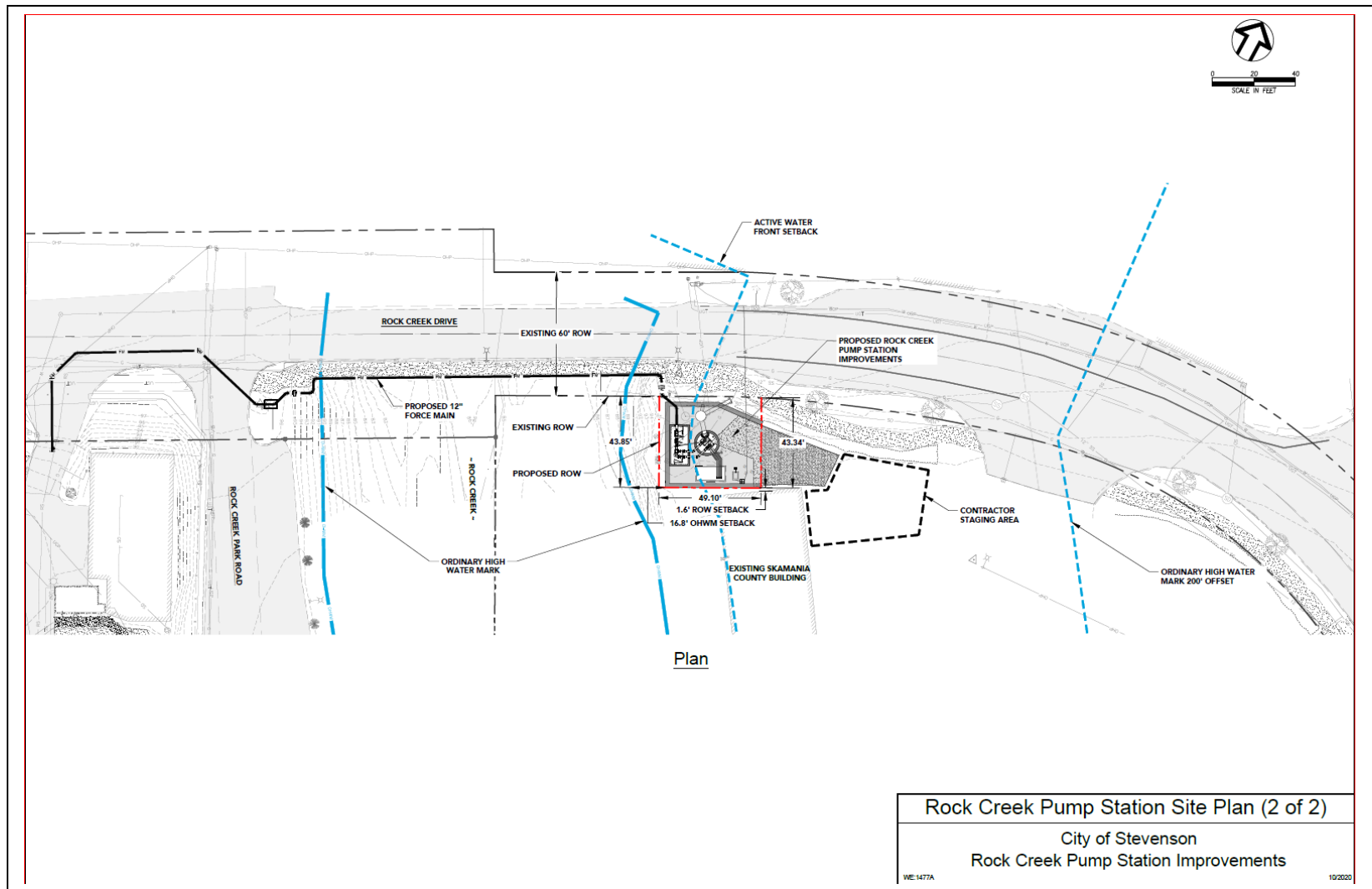
The applicant proposes either purchase additional land or seek an easement from Skamania County to shift the SW Rock Creek Drive ROW approximately 43 feet southward so that the ROW encompasses the entire pump station site. The replacement force main will extend from the pump station to the WWTP within the Rock Creek Dr. ROW and will be suspended on the Rock Creek Bridge.

The pump station site is upland from the Ordinary High Water Mark (OHWM) of Rock Creek approximately 16 feet 4 inches. The force main will cross over the OHWM in the existing road bed and be suspended from the existing Rock Creek Bridge. (See Wallis Sheet C2) Both projects are within the Shoreline 200-foot jurisdiction area. The force main and the western third of the pump station site are within the Active Waterfront Shoreline Environmental Designation (SED). The temporary construction staging area will be northeast of the pump station site on county-owned land also within Shoreline jurisdiction. (See Figure 2, Rock Creek Site Plan.)

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¹ Skamania County MapSifter, <https://skamaniawa-mapsifter.publicaccessnow.com/defaultHTML5.aspx?parcel=02070120120100>

Figure 2. Rock Creek Site Plan



ZONING

The Rock Creek PS is in the Public Use and Recreation District (PR). SMC 17.35.020. The purposes of the PR zone are to accommodate existing uses, to minimize possible conflicts of use, and to maintain and conserve the environmental qualities of the Rock Creek pond area. SMC 17.35.020.A. "County, City, or state public works facility, support buildings and structures, shops and yards" are a permitted (P) use in the PR zone. SMC Table 17.35.040-1 Public Districts Use Table.

The applicant proposes to purchase land to expand the Rock Creek Dr. ROW or secure an easement from Skamania County to encompass Rock Creek PS project area. The force main will travel along the existing Rock Creek Dr. ROW. (See Wallis Sheet C4) To the extent that PR regulations apply to the public ROW, see existing and proposed yard and area dimensions addressed in Table-1 Rock Creek PS Dimensions.

Table 1. Rock Creek PS Dimensions

Standard	Required	Proposed
<i>Table 17.35.050-1: Public Density Standards</i>		
<i>Minimum lot area</i>	10,000 sf	NA - Pump station and force main will be in public ROW
<i>Maximum lot coverage</i>	35%	NA - Pump station and force main will be in public ROW
<i>Table 17.35.060-1: Public Dimensional Standards</i>		
<i>Maximum height</i>	35 feet	Pump station electrical kiosk will be approximately 10 ft above grade (See Wallis Sheet S1)
<i>Setbacks</i>		
<i>Front</i>	25 feet	Force main will be suspended from the Rock Creek Dr. bridge. Pump Stations will be encompassed by expanded Rock Creek Dr. ROW.
<i>Side Interior</i>	10 feet	NA - Pump station and force main will be in public ROW
<i>Street side</i>	10 feet	NA - Pump station and force main will be in public ROW
<i>Rear</i>	10 feet	NA - Pump station and force main will be in public ROW

17.35.070 - Public districts design.

A. PR Design.

- 1. Storage shall be visually screened by landscaping barriers, fencing, walls or covering."*

Response

The pump station is not a storage area. This criterion is not applicable

17.35.100 - Public districts landscaping.

A. PR Landscaping.

- 1. Minimum landscaping shall include the area between the building line and the street right-of-way line excluding drives, parking areas and pathways.*

2. *New trees, shrubs, groundcover and other materials shall be compatible with other nearby landscaping.*
3. *New plantings shall be of such size and density that they are initially effective.*

Response

The applicant does not propose to install landscaping within the existing or expanded ROW. The applicant will implement the riparian buffer enhancement plan ELS recommended in the Critical Area Report.² In accordance with SMC 18.13.095(D)(3)(a), the buffer area will be enhanced through invasive species removal, planting of native Sitka willow (*Salix sitchensis*) and black cottonwood (*Populus balsamifera*) stakes and applying a riparian buffer seed mix to bare areas where necessary. Landscaping will not be installed in the SW Rock Creek Drive ROW.

17.35.130 - Public districts parking and loading.

A. PR Parking and loading.

Response

The updated pump station will be within the expanded SW Rock Creek Drive ROW and will not generate new average daily trips (ADTs) Vehicle trips will be limited to maintenance and inspection visits. Parking is available on the parcel owned by Skamania County (575 SW Rock Creek Drive, Parcel [02070120010000](#)) to the east of the pump station.

17.35.145 - Public district signs.

A. Allowed Sign Types and Characteristics. A sign placed by a government agency is permitted.

Response

The applicant does not propose to install any non-governmental signs.

CRITICAL AREAS

The Critical Area Report which ELS generated indicates that the Rock Creek Fish and Wildlife Habitat Conservation Area (FWHCA) downslope from the pump station site is functionally isolated from the Rock Creek PS and force main projects. Therefore, these projects do not require Critical Areas review.

18.13.095(D)(3) Functionally Isolated Buffers. Lawns, walkways, driveways, other mowed or paved areas, and areas which are functionally separated from a FWHCA and do not protect the FWHCA from adverse impacts due to pre-existing roads, structures, or vertical separation, shall be excluded from buffers otherwise required by this Chapter.

Response

The 150-foot riparian buffer (FWHCA) of Rock Creek is functionally isolated to the east along existing sparsely vegetated gravel within and south of the Rock Creek Pump Station study area. Therefore, the project area is excluded from critical area review. The proposed force main is functionally isolated from the riparian buffer as it exits the PS site. The city does not characterize the SW Rock Creek Drive ROW as a FWHCA.

If existing developments cause the width of the remaining buffer to be less than 50% of the base buffer, both of the following conditions shall apply:

² Critical Area Report: Stevenson WWTP Improvements, See Chapter Riparian Buffer Enhancement Plan, Ecological Land Services (ELS), November 5, 2020

a. *If the reduced buffer exists in a degraded condition, the reduced buffer shall be enhanced in accordance with 18.13.095 (D)(5) unless the area in question is utilized for activities consistent with water dependent uses.*

Response

The portion of the existing reduced riparian buffer along the east bank of Rock Creek, adjacent to the Rock Creek pump station, ranges from approximately 10 feet to 18 feet wide and contains a mix of native trees and shrubs, as well as invasive Himalayan blackberry and tree of heaven. The existing buffer area is less than 50 percent of the base buffer width (150 feet) and is degraded by the presence of invasive species or lack of woody vegetation. The remaining reduced buffer that is waterward of the functionally isolating features will be enhanced in accordance with 18.13.095 (D)(5) at a 1:1 ratio.³

b. *The buffer cannot be further reduced through averaging or on-site mitigation.*

Response

No further buffer reduction or averaging proposed in associated with the project.

STEVENSON SHORELINE MANAGEMENT CODE (SMC)

The city of Stevenson adopted the “Authorized Draft of the Stevenson Shoreline Master Program” in December 2018.⁴ In anticipation of final approval of the Stevenson Shoreline plans and regulations by the Washington State Department of Ecology (ECY), **the project applications voluntarily rely on the SMP, the revised Shoreline Management code.**⁵

SMC 18.08.010 Administration Authorized.

A. *The City of Stevenson Planning Commission is hereby vested with:*

1. *Authority to issue shoreline permits as required herein. “Shoreline permits” include Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances.*

Response

The applicant is for a Shoreline Substantial Development Permit (SSDP) to be reviewed by the Stevenson Planning Commission.

SMC 18.08.020 Shoreline Master Program and Map Adoption.

The Stevenson City Council adopted the Shoreline Master Program (SMP) and map in December 2018. The WA Department of Ecology (ECY) is in the final stage of approving the Stevenson SMC.

Response

The applicant has voluntarily agreed to comply with the SMP pending approval from ECY. The Shoreline Environmental Designation (SED) map classifies the Rock Creek PS site as Active Waterfront.

SMC 18.08.050 Applicability of Provisions Shorelines Designated.

This chapter applies to all areas within shoreline jurisdiction as designated in the SMP, including that portion of the Rock Creek shoreline which lies within city limits.

Response

³ See, ELS Critical Area Report

⁴ Stevenson Resolution 2018-322.

⁵ Ben Shumaker contacted ECY representatives and asked whether an applicant could voluntarily consent to vest an application to proposed, but not yet adopted, SMP and regulations. In response, Michelle McConnell, ECY Regional Shoreline Planner stated that an applicant can voluntarily agree to vest to proposed regulations. (Email to Ben Shumaker dated 10/7/20)

The Rock Creek PS is within shoreline jurisdiction.

SMC 18.08.080 Shoreline Permits & Approvals—Required When.

Any person wishing to undertake activities requiring a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance within shoreline jurisdiction shall apply to the Shoreline Administrator for the appropriate approval. Authorization to develop in shoreline jurisdiction is subject to review according to the applicability, criteria, and process described in the SMP, especially SMP Chapter 2.

Response

The applicant is applying for a SSDP and below demonstrates compliance with the applicable provisions of the SMP.

SMC 18.08.100 Permits—Application Procedure.

Category A applications involve requests for all shoreline permits, including a) Shoreline Substantial Development Permits, b) Shoreline Conditional Use Permits, c) Shoreline Variances, and d) revisions to any previously authorized Category A proposal. After determining the application category, the administrator will then review the application for completeness according to this chapter and the SMP.

Response

The applicant is applying for a SSDP, a Category A permit, which will be subject to review in a public hearing in accordance with adopted city regulations and procedures.

SMC 18.08.120 Permits—Fees.

An application for an approval under this chapter shall be accompanied by an application fee.

Response

The city will provide the appropriate fees as required.

SMC 18.08.235 Variance and Conditional Use Permits—Ecology Review.

After the city approval of a shoreline conditional use or shoreline variance permit, the city shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial.

Response

Because the Rock Creek PS and force main are lawful pre-existing uses and development and because the proposed upgrades to these structures will not result in a net loss of shoreline functions and values, the application does not rise to a shoreline conditional use or variance level of review. See discussion regarding SMP 2.9.2 below.

STEVENSON SHORELINE MASTER PROGRAM (SMP) – Applicable Policies and Regulations

Shoreline Substantial Development Permits SMP 2.6

The Rock Creek PS project and the force main project require a Shoreline Substantial Development Permit (SSDP). The city has adopted the following criteria for reviewing proposed SSDPs:

1. *SSDPs may not be used to authorize any use that is listed as conditional or prohibited in a shoreline designation.*

Response

The Rock Creek PS and force main are utilities and are permitted uses in the Active Waterfront SED. SMP 5.4.12.2. Therefore, approval of the requested SSDPs will not authorize a conditional or prohibited use in the Active Waterfront SED.

2. *SSDPs may not be used to authorize any development and/or use which does not conform to the specific bulk, dimensional, and performance standards set forth in this SMP.*

Response

The PR zoning district density and setback standards are not applicable because both projects will occur within public ROW. Neither the pump station nor force main structures will exceed the 35-foot maximum height limitations. The Shoreline setback standard for the force main suspended from the Rock Creek Drive bridge is zero. The required setback for a non-water-oriented use parallel to the shoreline, the pump station, is 33 feet from the OHWM. The existing pump station does not meet the required 33-foot setback from the OHWM; it is a nonconforming development.

The proposed pump station project will replace the existing utility within the same location and the site and surface level improvements are of comparable size and material. The pump station replacement will not further harm the shoreline or natural resources nearby. See discussion below of SMP Section 2.9.2, nonconforming developments.

3. *SSDPs may be used to authorize uses which are listed or set forth in this SMP as permitted uses.*

Response

The Rock Creek PS and force main are utilities and are permitted uses in the Active Waterfront SED. SMP 5.4.12.2.

4. *To obtain a SSDP, the applicant must demonstrate compliance with all of the following review criteria as listed in WAC 173.27.150:*
 - a. *That the proposal is consistent with the SMA;*
 - b. *That the proposal is consistent with WAC 173-27 – Shoreline Management Permit and Enforcement Procedures; and*
 - c. *That the proposal is consistent with this SMP and SMC 18.08 – Shoreline Management.*

Response

The proposed pump station and force main are permitted uses in the Active Waterfront SED

Shoreline Environmental Designation (SED) SMP 3.2

Response

The Rock Creek PS and force main are within the Active Waterfront SED. SMP 3.2.5

Cultural Resources SMP 4.2

Response

Archaeological investigations Northwest (AINW) conducted literature and field studies relating to the WWTP projects and filed a Cultural Resources report.⁶ The report concluded that the Rock Creek PS has no historical significance. AINW determined that the circa 1921 Rock Creek Bridge may be eligible for listing in the National Register of Historic Places (NRHP). However, AINW concluded suspending the replacement force main from the bridge will not have an adverse effect on the historic resource.

⁶ “A Cultural Resource Survey for the Stevenson Wastewater Treatment Plant Improvements Project, Stevenson Washington, AINW Report 4313, December 10, 2019.

Environmental Polices -No Net Loss SMP 4.3

Response

The Rock Creek PS project will occur in the existing location of the existing pump station. The force main project will take place within the SW Rock Creek Drive ROW. The projects will not expand their existing footprint within the Shoreline setback. The applicant will implement the riparian buffer enhancement plan recommended in the ELS Critical Area Report. Therefore, the two projects will result in no net loss of shoreline ecological functions.

Critical Areas SMP 4.4

Response

The ELS Critical Area Report concluded that neither the Rock Creek PS project or the Rock Creek force main project will have any impact on critical areas because the riparian buffer is functionally isolated from the project area and the force main project will occur entirely within an existing ROW. See discussion above relating to the Stevenson Critical Area Code.

Flood Hazard Reduction SMP 4.5

Response

The Rock Creek force main project and the Rock Creek PS project will occur above the base flood elevation. The mapped 100-year floodplain within the study area is contained within the channel of Rock Creek and does not extend over the work area.

Public Access SMP 4.6

Response

Public access to the shoreline is a preferred state and local policy goal. If a proposed development or use involves public funding or occurs on public lands, public access may be required, provided that such access would not result in a net loss of ecological function. SMP 4.6.3.1.f. The Rock Creek PS and force main projects will occur on publicly owned lands and are supported by public funding.

However, *“additional public access will not be required where suitable public access is already provided by an existing public facility on or adjacent to the site and the Planning Commission makes a finding that the proposed development would not negatively impact existing visual or physical public access nor create a demand for shoreline public access that could not be accommodated by the existing public access system and existing public recreational facilities in the immediate vicinity.”* SMP 4.6.3.2

The adjacent Skamania County property provides access to lower Rock Creek. The Rock Creek Bridge provides excellent visual access to lower Rock Creek. Therefore, suitable public access is provided by existing public facilities adjacent to the site.

Water Quality & Non-Point Source Pollution SMP 4.7

Response

Section 4.7 applies to “all projects which have the potential to affect the water quality or quantity of Stevenson shorelines by either changing the flow of surface waters or creating new discharges to Stevenson’s shoreline waterbodies.” SMP 4.7.1. Both the pumps station and the force main are above the base flood elevation of Rock Creek and will not change the flow of the creek. Both projects are replacements of existing facilities and will not create new discharge points.

Shorelines of Statewide Significance SMP 4.8

Response

Section 4.8 applies only to projects which will impact the Columbia River. The pump station and force main projects are adjacent to Rock Creek and will not impact the Columbia River.

Shoreline Use Regulations SMP Chapter 5

The Rock Creek PS and force mains are utilities are permitted uses in the Active Waterfront SED. See SMP table 5.1 Shoreline Use and Setback Standards. The Rock Creek force main is a non-water-oriented use which will be suspended from the SW Rock Creek Dr. bridge perpendicular to the shoreline. The force main does not require a setback. The replacement of the Rock Creek PS is a non-water oriented use that is perpendicular to Rock Creek. The required setback is 33 feet from the OHWM. The existing and proposed setback, at its narrowest is 16 feet 8 inches.

SMP Section 2.9.1, Nonconforming Use & Development, recognizes *“uses and development that have previously been established within shoreline jurisdiction. Where those uses & development were lawfully established according to the standards in place prior to the effective date of this SMP, these provisions are intended to allow the use or development to continue— or be “grandfathered”—until a later date when conformity to this SMP can be achieved.”*

Response

The existing Rock Creek PS is a permitted use in the Active Waterfront SED. However, the pump station is setback less than 17 feet from the OHWM and does not meet the new SMP 33-foot setback from the OHWM standard. Consequently, the proximity of the Rock Creek PS to the OHWM is a nonconforming development.

SMP Section 2.9.2 requires nonconforming developments on Stevenson’s shorelines to meet the standards of the City of Stevenson Zoning Code, SMC 17.44 – Nonconforming Uses, with the following exceptions:

“a. A building or structure conforming as to use but nonconforming as to the shoreline setback, critical area buffer, and/or height provisions of the environment designation in which said building or structure is located may be maintained, repaired, or altered by expansion or enlargement, provided, that the alteration meets all applicable provisions of this SMP and does not further exceed or violate the appropriate shoreline setback, critical area buffer, and height provisions. (For example, a building or structure encroaching in a shoreline setback area shall not further encroach into the shoreline setback area as a result of the alteration.)”
(Emphasis added)

Response

The Rock Creek PS conforms as to use but is nonconforming as to setback. The replacement of the existing pump station may be permitted provided it meets the applicable provisions of the SMP and does not further encroach into the shoreline setback. The proposed Rock Creek PS upgrades will occur within the same disturbance areas as the existing PS. The proposed improvements will not extend further waterward than the existing PS. Essentially, all improvements will be upland from the OHWM setback. See Exhibit B, Figure 1, and Figure 2.

Therefore, the City may approve the proposed setback and a shoreline variance is not required.

The maximum building height is 35 feet. SMP 5.3.3. The tallest structure proposed on the pump station, the electrical panel kiosk, will be approximately 10 feet above grade. Neither structure will exceed the 35-foot height limit.

Specific Shoreline Use Policies & Provisions SMP 5.4

Utilities SMP 5.4.12

Response

This section applies to primary uses and activities such as sanitary sewer systems. SMP 5.4.12.2. This section applies to actions related to utility facilities which do not qualify as normal repair and maintenance under SMP Section 2.5. Section 2.5 implements WAC 173-27-040(2)(b). The WAC section authorizes replacement of a structure or development as repair *“where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.”*

Response

The proposed replacement of the existing Rock Creek PS is in the same location and is of similar land area as the existing pump station. As described in this narrative, the applicant has demonstrated that the replacement of the Rock Creek PS will not cause a substantial adverse effect on shoreline resources or the environment.

Although the SMP states that “Non-water-oriented utility facilities should be located outside shoreline jurisdiction to the maximum extent feasible.” SMP 5.4.12.3. The SMP also provides that *“Utility facilities should use existing transportation and utility rights-of-way, easements, or existing cleared areas to the greatest extent feasible.”* SMP 5.4.12.3.b. The force main will remain within an existing ROW. The pump station site will be incorporated into the Rock Creek Drive ROW. As discussed above, both projects are designed and located to achieve no net loss of shoreline ecological functions.

“All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.” SMP 5.4.12.4, Regulations.

The scope of the improvements to the Stevenson sanitary waste system is designed to meet the proposed economic and population growth of Stevenson. The Rock Creek force main project will occur within an improved ROW and will, therefore, not harm shoreline functions and the natural landscape. Similarly, the Rock Creek PS project will occur within a previously disturbed environment and will not further harm the shoreline. The pump station project will not harm the natural environment because the nearby critical area buffer is functionally isolated from the project site.

CONCLUSIONS

The Rock Creek PS is a permitted use in the PR zone and the force main is located within the SW Rock Creek ROW. The Rock Creek riparian area and buffer is functionally isolated from the project area and is excluded from critical area review. However, the applicant has proposed and will implement a riparian buffer enhancement program. The utility improvements are permitted uses in Active Waterfront SED. Because the Rock Creek PS and force main are lawful pre-existing uses and development and because the proposed upgrades to these structures will not result in a net loss of shoreline functions and values, the application does not rise to a shoreline conditional use or variance level of review.

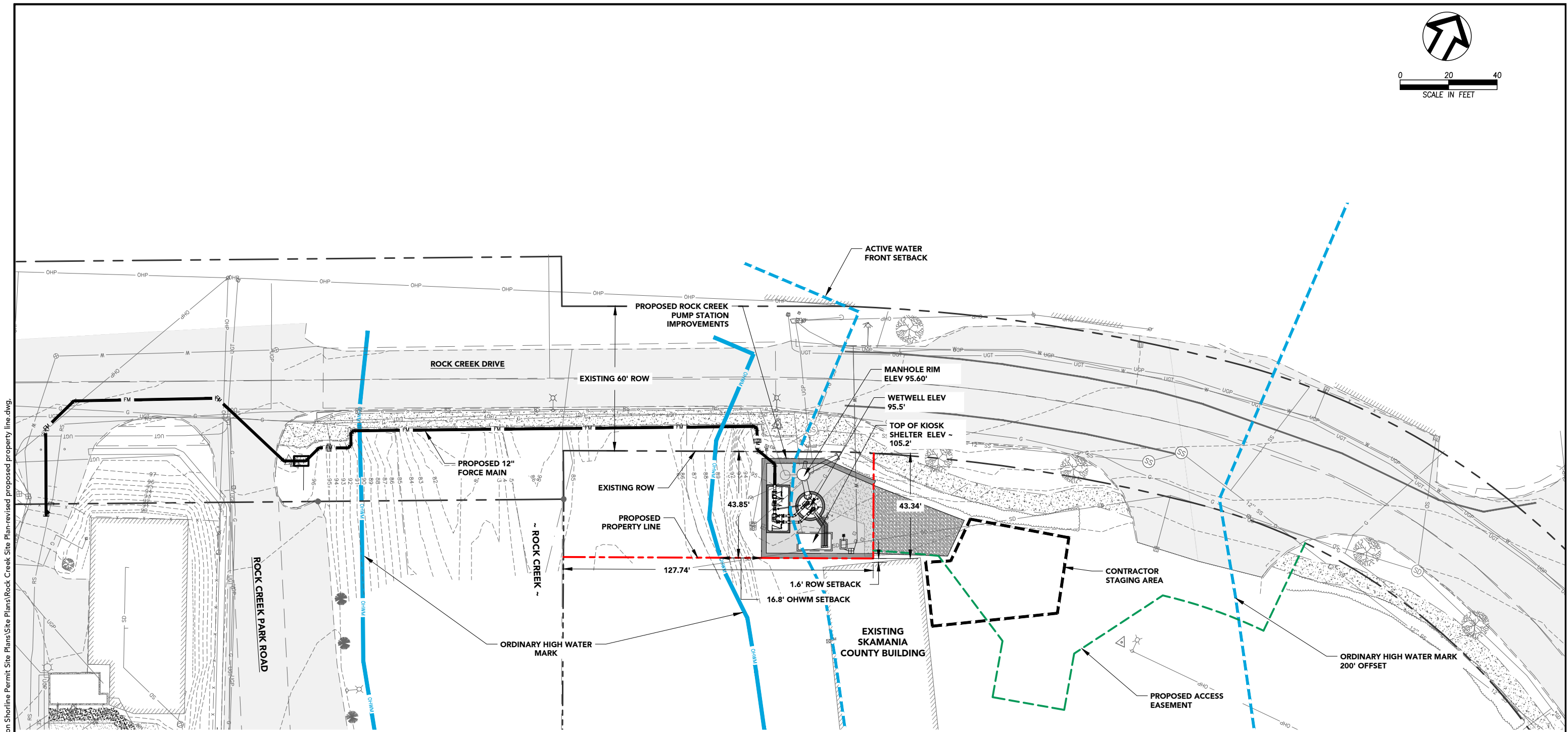
For these reasons and more we ask the city of Stevenson to approve the SSDP for the Rock Creek pump station and force main upgrade projects.

EXHIBITS

Attached



0 20 40
SCALE IN FEET



Plan

Rock Creek Pump Station Site Plan (2 of 2)

City of Stevenson
Rock Creek Pump Station Improvements

WE:1477A

P:\141477A\WWTp and Collection Sys Imp\500 DWG\505 Exhibits\505.8 Pump Station Shoreline Permit Site Plans\Rock Creek Site Plan-revised proposed property line.dwg
7/20/2021 3:06:06 PM, Chas Keyes

P:\14\1477A\WMP and Collection Sys Imp\500 DWG\501 Plan Sheets\501.3 Rock Creek PS and Force Main\9 ELECTRICAL KIOSK DETAILS.dwg, 10/23/2020 10:19:46 AM, Chad Koys

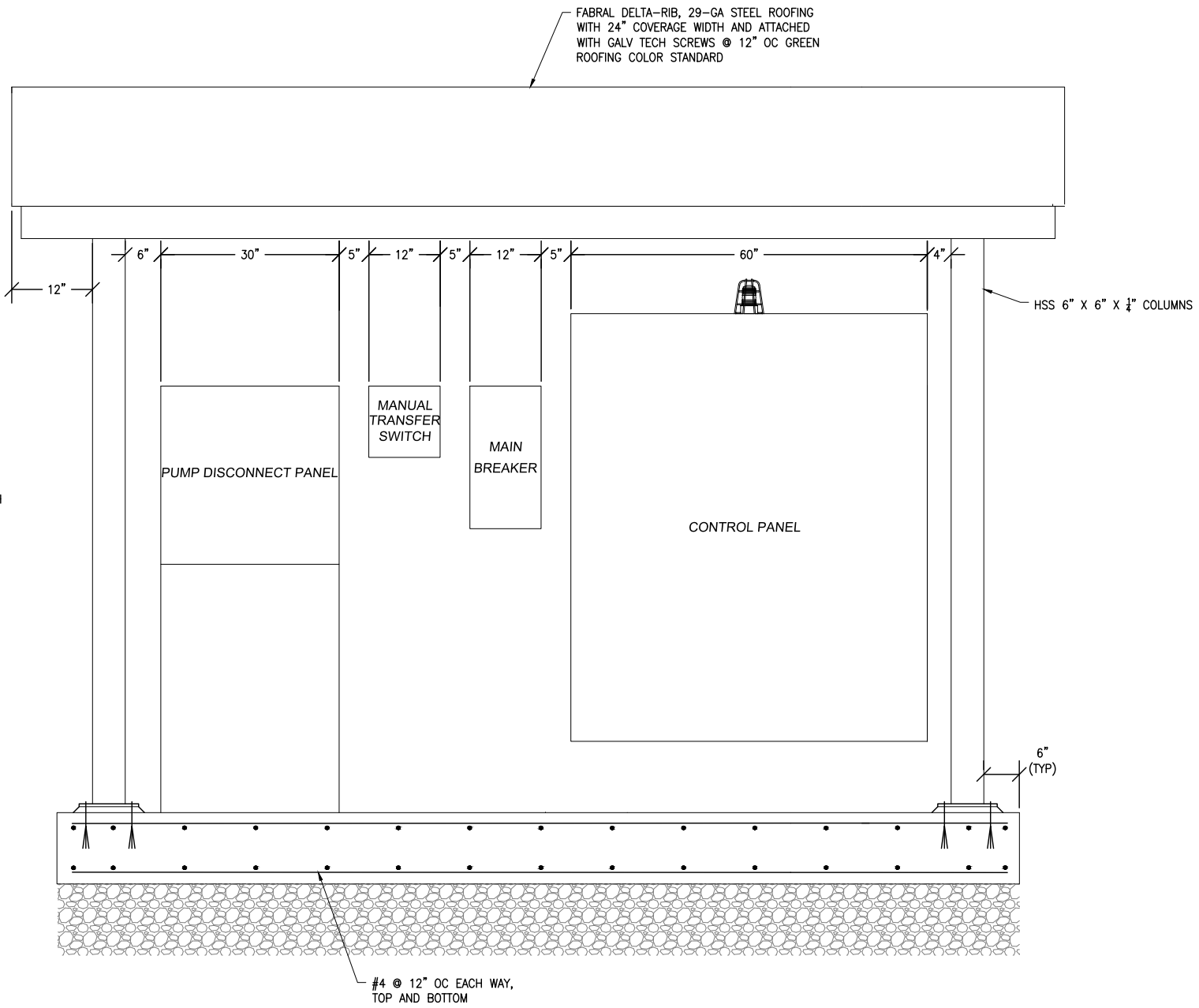
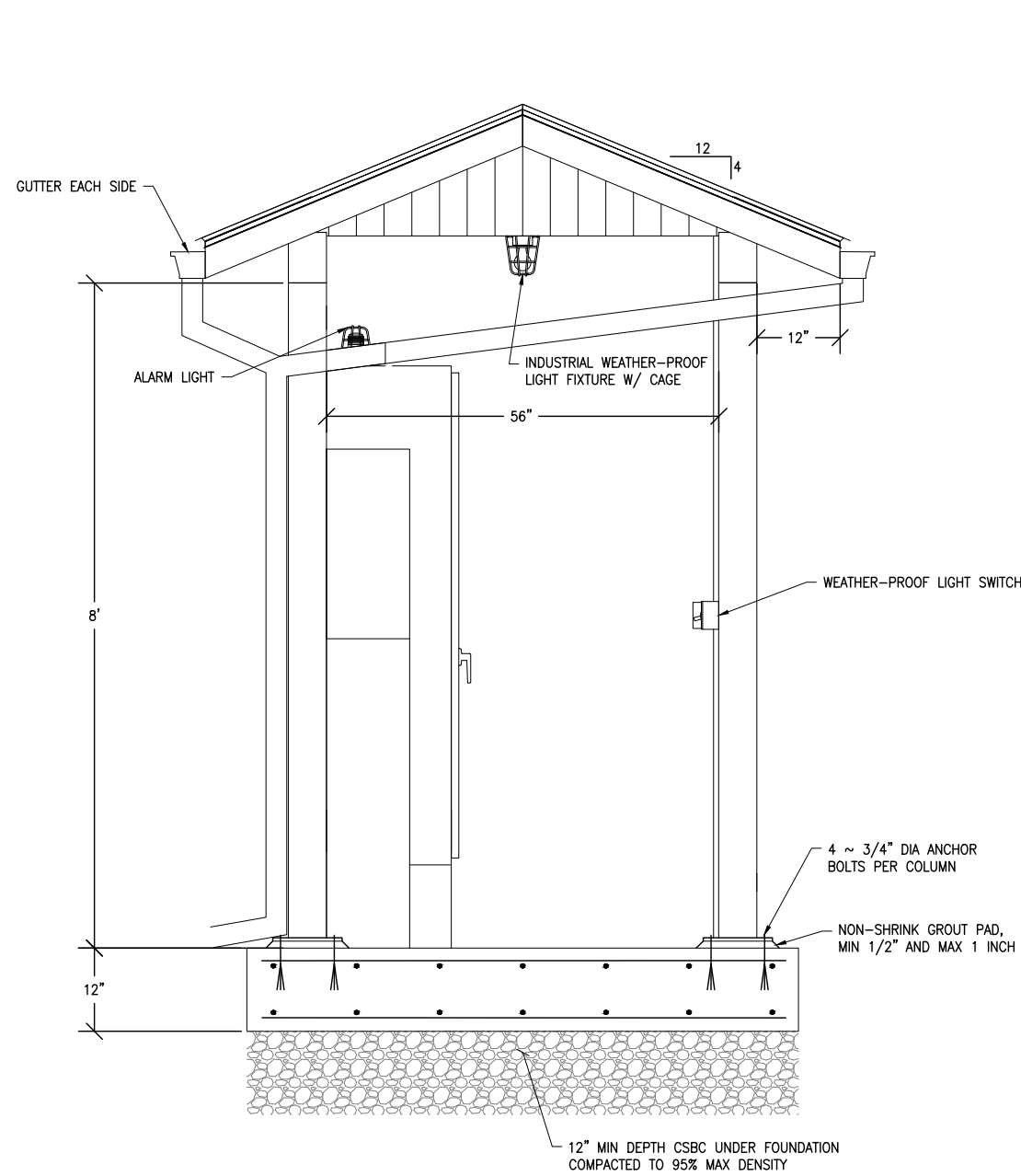


NO.	REVISION	BY	DATE

DESIGNED BY: JW/AP
 DRAWN BY: AP/CK
 REV: WW

ONE INCH AT FULL SCALE.
 ONE INCH AT FULL SCALE.
 IF NOT ONE INCH ADJUST SCALE ACCORDINGLY

- NOTES**
- STRUCTURE SHALL BE A PREFABRICATED SHELTER. CONTRACTOR IS RESPONSIBLE FOR OBTAINING BUILDING PERMIT.
 - ALL METAL FABRICATIONS SHALL BE HOT DIP GALVANIZED AND POWDER COATED BLACK AFTER FABRICATION.
 - CAP ENDS OF ALL BEAMS WITH 1/8" PLATE. SEAL WELDS ALL ROUND TO END OF TUBE, PLATE DIMENSIONS TO MATCH TUBE EXTERIOR.
 - STRUCTURE SHALL BE A ROMTEC 4 POST CONTROL SHELTER OR APPROVED EQUAL.
 - PAINT GUTTERS BLACK TO MATCH STRUCTURE.



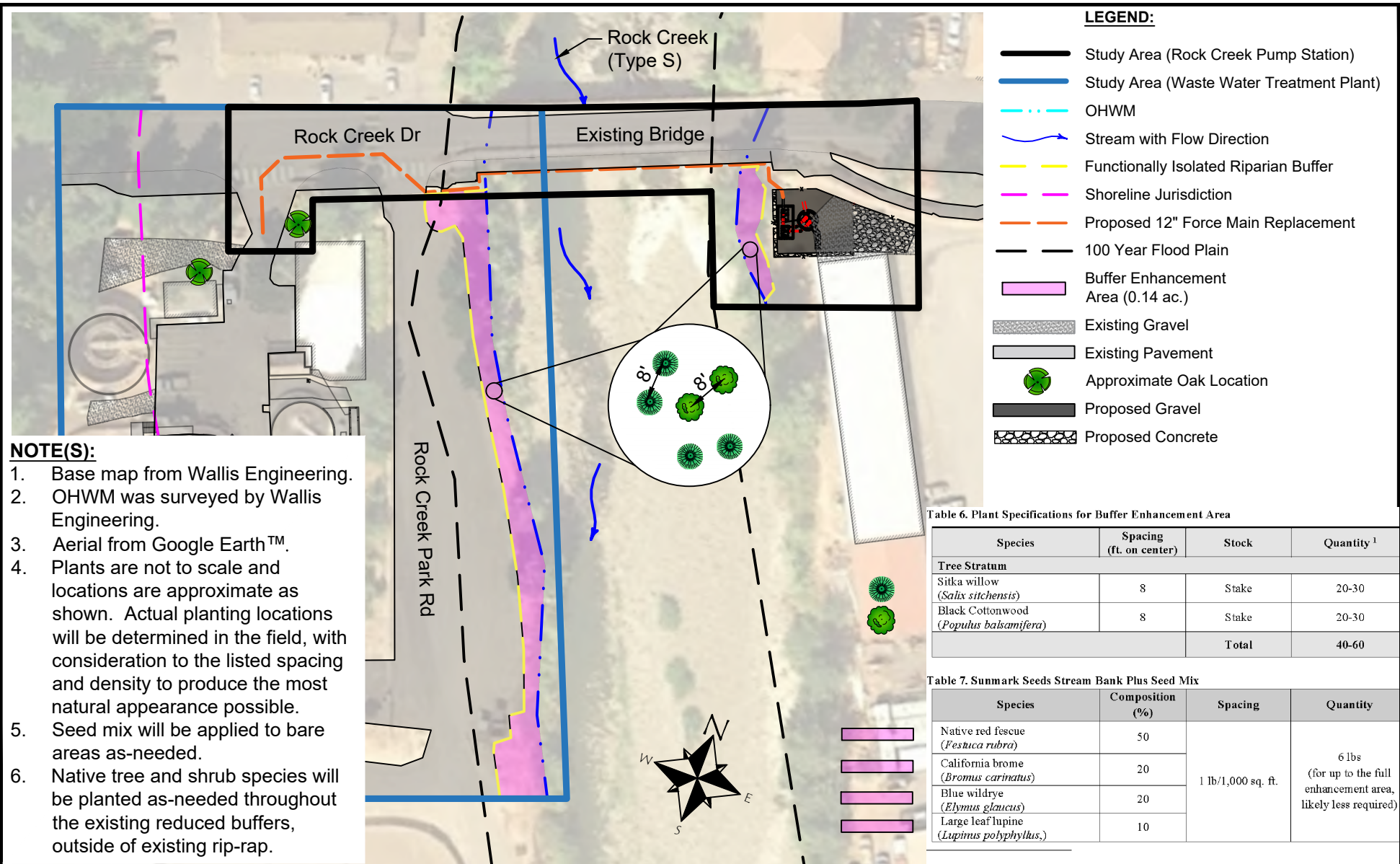
PUMP STATION ELECTRICAL KIOSK DETAILS

wallis engineering
 WALLIS ENGINEERING
 380 695 7041
 WASHINGTON, WA 98003

PROJECT NO: 1477A
 DATE: 10/2020

**CITY OF STEVENSON
 ROCK CREEK PUMP STATION & FORCE MAIN IMPROVEMENTS**





NOTE(S):

1. Base map from Wallis Engineering.
2. OHWM was surveyed by Wallis Engineering.
3. Aerial from Google Earth™.
4. Plants are not to scale and locations are approximate as shown. Actual planting locations will be determined in the field, with consideration to the listed spacing and density to produce the most natural appearance possible.
5. Seed mix will be applied to bare areas as-needed.
6. Native tree and shrub species will be planted as-needed throughout the existing reduced buffers, outside of existing rip-rap.

LEGEND:

- Study Area (Rock Creek Pump Station)
- Study Area (Waste Water Treatment Plant)
- OHWM
- Stream with Flow Direction
- Functionally Isolated Riparian Buffer
- Shoreline Jurisdiction
- Proposed 12" Force Main Replacement
- 100 Year Flood Plain
- Buffer Enhancement Area (0.14 ac.)
- Existing Gravel
- Existing Pavement
- Approximate Oak Location
- Proposed Gravel
- Proposed Concrete

Table 6. Plant Specifications for Buffer Enhancement Area

Species	Spacing (ft. on center)	Stock	Quantity ¹
Tree Stratum			
Sitka willow (<i>Salix sitchensis</i>)	8	Stake	20-30
Black Cottonwood (<i>Populus balsamifera</i>)	8	Stake	20-30
Total			40-60

Table 7. Sunmark Seeds Stream Bank Plus Seed Mix

Species	Composition (%)	Spacing	Quantity
Native red fescue (<i>Festuca rubra</i>)	50	1 lb/1,000 sq. ft.	6 lbs (for up to the full enhancement area, likely less required)
California brome (<i>Bromus carinatus</i>)	20		
Blue wildrye (<i>Elymus glaucus</i>)	20		
Large leaf lupine (<i>Lupinus polyphyllus</i> .)	10		



1157 3rd Ave., Suite 220A
Longview, WA 98632
Phone: (360) 578-1371

PURPOSE: WWTP and Sewer Collection Upgrades
DATUM: NAD83
ADJACENT PROPERTY OWNERS:

BUFFER ENHANCEMENT PLANTING DETAIL
APPLICANT: Wallis Engineering
PROJECT NAME: Stevenson WWTP Improvements
REFERENCE #: Not Yet Assigned
SITE LOCATION ADDRESS: See Jarpa

PROPOSED: Utility Attached to Bridge Crossing and Shoreline Work
IN Adjacent to Rock Creek and Columbia River
NEAR: Stevenson
COUNTY: Skamania **STATE:** WA
SHEET 7 OF 14
DATE: 11/5/20

CITY OF STEVENSON
Council Authorized Update to SMC 18.08 – Shoreline Management

Regarding a request by the City of Stevenson to update existing)
 Rock Creek pump station (PS) and replace 8" force main) SHORELINE
 suspended from SW Rock Creek Dr. with a 12" force main. The) SUBSTANTIAL
 project is within existing and proposed expanded ROW.) DEVELOPMENT PERMIT
 Additionally, some existing sanitary and storm sewer lines within) March 15th, 2021
 and connecting to the Rock Creek PS will be replaced. The)
 proposal is within the shoreline jurisdiction of Rock Creek, a)
 shoreline of the City in Section 1, Township 2N, Range 7E, W.M,)
 City of Stevenson, Skamania County, Washington, 98648.)

PROPOSAL: The applicant proposes to "Update existing Rock Creek pump station (PS) and replace 8" force main suspended from SW Rock Creek Dr. with a 12" force main. Permanent improvements will occur within same general location. Existing Rock Creek PS is partially within OHWM setback from Rock creek. Force main is within existing and proposed expanded ROW. Rock Creek PS is a nonconforming development and may be altered per SMP 2.9.2; a shoreline variance is not required. Applicant will comply with final draft of 2018 SMP. Critical areas are functionally isolated. SEPA conducted earlier." Additionally, staff has identified proposals to modify, reroute, and/or replace existing underground sanitary and storm sewer lines within shoreline jurisdiction.

LOCATION: No site address is available for this project site within the existing/expanded right-of-way for Rock Creek Drive. The site is adjacent to the Skamania County motor pool building and the City Waste Water Treatment Plant at 575 and 686 SW Rock Creek Drive, Tax Parcel Numbers 02-07-01-2-0-0100 and 02-07-01-2-0-1201.

USES: Utilities.

SHORELINE ENVIRONMENT DESIGNATIONS: Aquatic, Active Waterfront.

KEY ISSUES: Nonconforming Use & Development, Cultural Resources, Critical Areas.

APPLICANT:	Wallis Engineering Jane Vale, PE 215 W 4 th Street, Suite 200 Vancouver, WA 98660 (360) 695-7041	Owner:	City of Stevenson Public Works PO Box 371 7121 East Loop Road Stevenson, WA 98648 (509) 427-5970
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CITY STAFF:	Ben Shumaker Shoreline Administrator	Leana Kinley City Administrator	Scott Anderson Mayor
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BACKGROUND: The proposal was identified in the City's 2017 General Sewer Plan and Wastewater Facilities Plan Update. The City obtained outside funding for the project from 2 federal agencies. Each agency required independent reviews under their National Environmental

Policy Act (NEPA). The project has been reviewed under the State Environmental Policy Act under City File # SEPA2019-03. The current pump station and associated improvements were permitted under City File#SEPA2019-03. In addition to the environmental analyses conducted to satisfy those regulations, the application includes critical areas reports for habitat and geologic hazards, and a stormwater memo.

STANDARDS, FINDINGS AND CONCLUSIONS

SMC 18.08 – Shoreline Management

On December 20th, 2018, the City Council adopted Resolution 2018-0322 authorizing changes to SMC 18.08 pending approval by the Washington Department of Ecology. As of this date, Ecology has not issued final approval of the City updates, however on October 7th, 2020, Ecology staff authorized voluntary compliance with the proposed program updates. Therefore, review below is based on the December 20th, 2018 City Council authorized shoreline management program. Chapter 18.08 of the Stevenson Municipal Code establishes procedural standards for implementation of the City's shoreline management program. The chapter is separated into 17 sections detailing program administration and project review. Findings and conclusions related to each section are detailed below.

CRITERION §18.08.010 – ADMINISTRATION AUTHORIZED. "A. The 'Shoreline Administrator' or 'Administrator' or that person's designee, is hereby vested with: [5 specific duties/authorities].

B. The City of Stevenson Planning Commission is hereby vested with:

1. Authority to issue shoreline permits as required herein. "Shoreline permits" include Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances."

FINDING(S):

- a. The proposal submitted involves activities, developments, and/or uses requiring issuance of a shoreline permit.
- b. The Planning Commission is authorized to issue this shoreline permit.

CONCLUSIONS OF LAW: This will comply with SMC 18.08.010 subject to the review conducted herein.

CRITERION §18.08.020 – SHORELINE MASTER PROGRAM AND MAP ADOPTION. "A. There is made a part of this chapter a management plan which shall be known as the "Stevenson Shoreline Management Program," adopted [December 20, 2018], as well as a map which shall be officially known as the "Shoreline Environment Designation Map." These documents shall be made available to the general public upon request.

B. The Shoreline Environment Designation Map generally shows the shoreline areas of the city which are under the jurisdiction of the Act and the shoreline environments as they affect the various lands and waters of the city. The precise location of shoreline jurisdiction and shoreline environment boundaries shall be determined according the appropriate provisions of the SMP."

FINDING(S):

- a. The proposal is subject to review according to the provisions of the Stevenson Shoreline Management Program.
- b. The proponents' application included precise locations of shoreline jurisdiction and shoreline environment boundaries pursuant to the Stevenson Shoreline Management Program.

CONCLUSIONS OF LAW: This will comply with SMC 18.08.020 without conditions.

CRITERION §18.08.050 – APPLICABILITY OF PROVISIONS, SHORELINES DESIGNATED. " A. Unless specifically exempted by state statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter

90.58 RCW, the Shoreline Management Act, and the Stevenson Shoreline Management Program.

B. This chapter applies to all areas within shoreline jurisdiction as designated in the SMP, including:

1. That portion of the Columbia River shoreline which lies within city limits. This chapter will apply to any Columbia River shoreline which lies within city limits. This chapter will apply to any Columbia River shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP. The entire Columbia River shoreline is a Shoreline of State-Wide Significance;

2. The Rock Cove shoreline;

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

4. Any portion of the Ashes Lake shoreline which is annexed into the city; provided, the annexed shoreline has been predesignated within the SMP.

FINDING(S):

- a. The proposal is not specifically exempted by state statute.
- b. The proposal is located within the shoreline jurisdiction of a portion of Rock Creek lying within city limits.
- c. The proposal must conform to the Shoreline Management Act and the Stevenson Shoreline Management Program

CONCLUSIONS OF LAW: This will comply with SMC 18.08.050 without conditions.

CRITERION §18.08.080 – SHORELINE PERMITS & APPROVALS—REQUIRED WHEN. "A. Any person wishing to undertake activities requiring a Minor Project Authorization or a Shoreline Permit (Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance) within shoreline jurisdiction shall apply to the Shoreline Administrator for appropriate approval.

B. In addition to the provisions contained herein, the authorization to undertake use or development in shoreline jurisdiction is subject to review according to the applicability, criteria, and process described in the SMP, especially SMP Chapter 2."

FINDING(S):

- a. The proponents wish to undertake an activity requiring a Shoreline Permit and submitted a complete application for a Substantial Development Permit.
- b. Review according to SMP Chapter 2 is addressed below.

CONCLUSIONS OF LAW: This will comply with SMC 18.08.080 without conditions.

CRITERION §18.08.100 – PERMITS—APPLICATION PROCEDURE. "A. Any person required to comply with the Shorelines Management Act of 1971 and this chapter shall obtain the proper application forms from the city planning department. The completed application shall then be submitted to the shoreline administrator.

B. Upon receipt of an application, the shoreline administrator shall determine which category of proposal has been submitted:

1. Category A applications involve requests for all shoreline permits, including a) Shoreline Substantial Development Permits, b) Shoreline Conditional Use Permits, c) Shoreline Variances, and d) revisions to any previously authorized Category A proposal.

2. Category B applications involve requests for a) a Minor Project Authorization issued pursuant to WAC 173-27-050, b) limited utility extensions and bulkheads approved pursuant to WAC 173-27-120, c) revisions to any previously authorized Category B proposal, and d) extensions of shoreline substantial development permits and Minor Project Authorizations"

C. After determining the application category, the administrator will then review the application for completeness according to this chapter and the SMP.

FINDING(S):

- a. The proponents submitted an application on January 13, 2021.
- b. Upon submission of the application, the Shoreline Administrator determined the proposal involved projects in Category A.

- c. The Administrator issued a notice of incomplete application on January 20, 2021.
- d. The proponents submitted additional detail to complete the application on January 28, 2021.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.100 without conditions.

CRITERION §18.08.110 – PERMITS—NOTICE PUBLICATION. “A. Within 14 days after a determination of completeness under SMC 18.08.100, the Shoreline Administrator shall provide a notice of application for all Category A proposals as follows:

1. Content. The content of notice shall be identical to that set forth in WAC 173-27-110(2). In addition, the notice shall state the time and place of the open record public hearing to be held for the Category A proposal.

2. On-Site Notice. No less than 2 notices shall be posted by the administrator in conspicuous places on or adjacent to the subject property.

3. Mailing. The notice shall be mailed to a) the land owner, b) all property owners of record within a radius of 300 feet of the exterior boundaries of the subject property, c) all agencies with jurisdiction per chapter 43.21C RCW, and d) individuals, organizations, tribes, and agencies that request such notice in writing.

4. Newspaper. The notice shall be published at least once a week, on the same day of the week, for two consecutive weeks in a newspaper circulating and published within the city.

B. Category B proposals reviewed under WAC 173-27-120 require the same notice of application as Category A proposals. All other Category B proposals do not require notice of application.”

- FINDING(S):
- a. The notice of application included all required content.
 - b. The notice was posted on-site on February 9, 2021.
 - c. The notice was mailed to the required parties on either February 5 or 11, 2021.
 - d. The notice was published in the *Skamania County Pioneer* on February 3 and 10, 2021.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.110 without conditions.

CRITERION §18.08.120 – PERMITS—FEES. “A. An application for an approval under this chapter shall be accompanied by an application fee payable to the City in an amount established and periodically adjusted by the City Council.

B. Fees are not refundable.

C. Payment of an application fee does not guarantee that a permit will be issued.”

- FINDING(S):
- a. City Council Resolution 357 became effective on 6/1/2020 and establishes application fees for Shoreline Permits.
 - b. Transfer of funds between the City sewer department and planning department is an acceptable method to pay the required fees.
 - c. The transfer of funds between departments occurred prior to the public hearing.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.120 without conditions.

CRITERION §18.08.140 – PERMITS—INTERESTED PARTIES—COMMENT PERIOD. “A. For any Category A proposal, any member of the public may provide written comments for 30 days after the last publication of the notice of application.

B. For Category B proposals reviewed under WAC 173-27-120, any member of the public may provide written comments for 20 days after the last publication of the notice of application.

C. During the public comment periods established in this section, any member of the public may also request to be notified of the action taken by the City.”

- FINDING(S):
- a. No written comments have been submitted
 - b. No request to be notified of the action taken by the City have been submitted.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.140 without conditions.

CRITERION §18.08.180 –PLANNING COMMISSION ACTION—CATEGORY A PROPOSALS. "A. No authorization to undertake proposed Category A use or development shall be granted by the Planning Commission until at least one open record public hearing has been held and the proposed use and development is determined to be consistent with the policy and provisions of the SMA and the SMP.
B. At the public hearing scheduled for consideration of a Category A proposal by the planning commission, the commission shall, after considering all relevant information available and evidence presented to it, either grant, conditionally grant, or deny the permit.
C. In granting or revising a permit, the commission may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions.
D. The decision of the planning commission shall be the final decision of the city on all applications for Category A proposals. The commission shall render a written decision including findings, conclusions and a final order, and transmit copies of its decision to the persons who are required to receive copies of the decision pursuant to SMC 18.08.190."

FINDING(S):

- a. An open record public hearing was held by the Planning Commission on 3/15/2021.
- b. The Planning Commission considered all relevant information available and evidence presented regarding this Category A proposal and determined the proposal's consistency with the SMA and the SMP, subject to conditions.
- c. The Planning Commission has not required the posting of a performance bond to assure compliance with the permit.
- d. This document provides the Planning Commission's written decision and the City's final decision on this permit.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.180 upon satisfaction of the conditions contained herein.

CRITERION §18.08.185 –SHORELINE ADMINISTRATOR ACTION—CATEGORY B PROPOSALS. [THIS SECTION APPLIES TO A DIFFERENT CATEGORY OF PROJECT THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. The proposal is not a Category B proposal; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.185 without conditions.

CRITERION §18.08.190 –NOTIFICATION AND FILING OF ACTION. [THIS SECTION CONTAINS DUTIES OF THE SHORELINE ADMINISTRATOR AFTER A DECISION IS MADE ON THE PROPOSAL. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. The proponent is not responsible for satisfying this criterion.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.190 without conditions.

CRITERION §18.08.200 –APPEAL FROM PERMIT DECISION. "Any person aggrieved by the granting or denying of a substantial development permit, conditional use permit, variance, or by the rescinding of a permit pursuant to the provisions of this chapter may seek review from the Shorelines Hearing Board. Such an appeal must be filed as a request for the same within 21 days of receipt of the final order and by concurrently filing copies of such request with Ecology and the Attorney General's office. The State Hearings Board regulations of RCW 90.58.180 and Chapter 461-08 WAC apply. A copy of such appeal notice shall also be filed promptly with the City of Stevenson. Upon issuance of

a final order after an appeal, the City shall provide said order to Ecology according to WAC 173-27-130(10).

- FINDING(S):**
- a. The appeal process applies to the proponent and any person aggrieved by the City decision.
 - b. The appeal period coincides with the timelines established in SMC 18.08.210.
 - c. A condition is appropriate to provide guidance on this procedure.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.200 upon satisfaction of Condition 1, below and other conditions contained herein.

CONDITIONS:

- 1. Within 21 Days from Receipt of the Final Decision,** the proponent shall file any appeal according to SMC 18.08.200.

CRITERION §18.08.205 –APPEAL FROM ADMINISTRATOR DECISION. [THIS SECTION APPLIES TO A DIFFERENT CATEGORY OF PROJECT THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):**
- a. The proposal is not a Category B proposal; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.205 without conditions.

CRITERION §18.08.210 –PERMIT ISSUANCE AND EFFECT. "A. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6).

B. Each shoreline permit shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of filing with Ecology, per WAC 173-27-190 or as subsequently amended, or until all review proceedings initiated within 21 days from the date of such filing have been terminated.

C. Issuance of a permit does not obviate the applicant from meeting requirements of other federal, state and county permits, procedures and regulations.

- FINDING(S):**
- a. A condition is necessary to incorporate SMC 18.08.210(B) into the permit decision.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.210 upon satisfaction of Condition 2, below and other conditions contained herein.

CONDITIONS:

- 2. Construction Pursuant to this Permit Shall not Begin** and is not authorized until 21 days from the date of filing with Ecology, per WAC 173-27-190 or as subsequently amended, or until all review proceedings initiated within 21 days from the date of such filing have been terminated.

CRITERION §18.08.220 –PERMIT DURATION—EXTENSIONS. "A. Construction activities shall be commenced, or where no construction activities are involved, the use or activity shall be commenced within 2 years of the effective date of an authorization of shoreline permit issued under this chapter. However, the city may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to Ecology and parties of record on the original authorization or permit.

B. Authorization to conduct development activities shall terminate 5 years after the effective date of an authorization or shoreline permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notices of the proposed extension is given to Ecology and parties of record on the original authorization or permit.

C. Upon a finding of good cause, based on the requirements and circumstances of the specific project proposed and

consistent with the policies and provisions of the SMP and WAC 173-27, the City may adopt different time limits from those set forth above as part of action on a shoreline permit.

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

- FINDING(S):
- a. Different timelines than those set forth in SMC 18.08.220(A) & (B) are not necessary for this permit.
 - b. Conditions are necessary to incorporate the timelines of SMC 18.08.220(A), (B), and (D) into the permit decision.
 - c. Conditions are necessary to ensure permit timelines continue to be met in the face of unforeseen delays under SMC 18.08.220(D).

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.220 upon satisfaction of Conditions 3-5, below and other conditions contained herein.

CONDITIONS:

- 3. Within 2 years of the effective date of this permit,** construction activities associated with this permit shall commence or a written request for a maximum 1-year extension shall be submitted to the City. If construction activities do not commence accordingly, the permit shall expire.
- 4. Within 5 years of the effective date of this permit,** all development activities associated with this permit shall terminate or a written request for a maximum 1-year extension shall be submitted to the City.
- 5. Prior to the start of construction,** the proponent shall submit the City documentation sufficient to establish an accurate timeline of any activity justifying an extension of the permit's duration based on SMC 18.08.220(D). No such documentation will be accepted by the City after construction commences.

CRITERION §18.08.235 –VARIANCE AND CONDITIONAL USE PERMITS—ECOLOGY REVIEW. [THIS SECTION APPLIES TO A DIFFERENT CATEGORY OF PROJECT THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):
- a. The proposal does not involve a Shoreline Variance or Conditional Use Permit; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.235 without conditions.

CRITERION §18.08.250 –ENFORCEMENT—PENALTIES. "All provisions of his chapter shall be enforced by the Shoreline Administrator and/or a designated representative. The enforcement procedures and penalties contained in WAC 173-27 and RCW Chapter 90.58 are hereby incorporated by reference.

- FINDING(S):
- a. A condition is necessary to ensure effective enforcement.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.250 upon satisfaction of Condition 6, below and other conditions contained herein.

CONDITIONS:

- 6. Throughout the Duration of this Permit,** the proponents shall provide reasonable access to the Shoreline Administrator to ensure enforcement of this permit and the SMP.

STEVENSON 2018 SHORELINE MASTER PROGRAM

The Stevenson 2018 Shoreline Master Program (SMP) contains the policies and regulations applicable to proposals undertaken in shoreline areas.

CHAPTER 1 - INTRODUCTION

CRITERION §1.1 –TITLE. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 1.1 without conditions.

CRITERION §1.2 –ADOPTION AUTHORITY. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 1.2 without conditions.

CRITERION §1.3 –SHORELINE JURISDICTION.

CRITERION §1.3.1 SHORELINE MANAGEMENT ACT JURISDICTION DEFINITION. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.2 without conditions.

CRITERION §1.3.2 APPLICABLE SHORELINE JURISDICTION IN STEVENSON. "The extent of shoreline jurisdiction shall be determined for specific projects proposals based on the actual location of the OHWM, floodway, and the presence and delineated boundary of associated wetlands as may be determined on a site-by-site basis based on adopted definitions and technical criteria.
The 2018 city limits of Stevenson includes 3 waterbodies which are regulated by this SMP. The Columbia River is a shoreline of statewide significance. Rock Cove and Rock Creek are also included as shorelines of the state in this SMP as depicted on the Shoreline Environment Designation maps in Appendix A. In addition, shoreline jurisdiction also includes the associated wetlands of these waterbodies, however, the City's shoreline jurisdiction does not include option areas of 100-year floodplain or buffers for critical areas.
This SMP also predesignates areas within the City's Urban Area boundary but currently outside of city limits. Such areas will be considered within Stevenson's shoreline jurisdiction upon annexation. Predesignated areas include extended reaches along the Columbia River, and Rock Creek, as well as a small reach along Ashes Lake. This SMP does not apply within predesignated areas until the areas are annexed to the City, as consistent with WAC 173-26-150 and -160."

FINDING(S): a. The *Critical Areas Report* prepared by Ecological Land Services, Inc. and submitted with this proposal includes a map of shoreline jurisdiction based on the actual location of the OHWM as observed in the field.
b. The proposal occurs within the 2018 city limits and the shoreline jurisdiction of Rock Creek.

CONCLUSIONS OF LAW: This project will comply with SMP 1.3.2 without conditions.

CRITERION §1.3.3 SHORELINE ENVIRONMENT DESIGNATION MAP. "The approximate shoreline jurisdictional area and the Shoreline Environment Designations (SEDs) are delineated on the map(s), hereby incorporated as a part of this SMP that shall be known as the "Stevenson Shoreline Environment Designation Map" (See Appendix A).
The boundaries of the shoreline jurisdiction on the maps are approximate. The actual extent of shoreline jurisdiction

shall be based upon an on-site inspection and the definitions provided in accordance with SMP Sections 1.3.1 and 1.3.2, Chapter 3, Chapter 7, and in accordance with RCW 90.58.030.”

- FINDING(S):**
- a. The *Critical Areas Report* prepared by Ecological Land Services, Inc. and submitted with this proposal includes a map of shoreline jurisdiction based on the actual location of the OHWM as observed in the field.
 - b. The proposal is located within an areas designated as Active Waterfront and extends through an area designated Aquatic on the Stevenson Shoreline Environment Designation Map.

CONCLUSIONS OF LAW: This project will comply with SMP 1.3.3 without conditions.

CRITERION §1.4 –VISION, GOALS, & PURPOSE OF THE SHORELINE MASTER PROGRAM. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):**
- a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 1.4 without conditions.

CRITERION §1.5 –SHORELINE MASTER PROGRAM APPLICABILITY TO DEVELOPMENT. “The SMP shall apply to all land and waters under the jurisdiction of Stevenson as identified in SMP Sections 1.3.1, 1.3.2, and 1.3.3 above. If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 and that provide the greatest protection of shoreline ecological resources shall apply, as determined by the Shoreline Administrator.

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

- FINDING(S):**
- a. The SMP is applicable to this proposal by the City of Stevenson, a local governmental agency, for a project occurring within the jurisdiction of Stevenson as identified herein.
 - b. The SMP is applicable to this proposal by the City of Stevenson
 - c. The 2018 Council-Authorized SMP conflicts with the 1975 Skamania County Shorelines Management Master Program and its enabling text. The applicant’s voluntary compliance with the 2018 Council-Authorized SMP resolves this conflict in a way that most supports the provisions of the SMA.

CONCLUSIONS OF LAW: This project will comply with SMP 1.5 without conditions.

CRITERION §1.6 –RELATIONSHIP TO OTHER PLANS AND REGULATIONS. “In addition to obtaining authority to undertake shoreline use, development, or modification in accordance with the SMP, applicants must also comply with all applicable federal, state, or local statutes or regulations. These may include, but are not limited to, a Section 404 Dredge & Fill Permit by the U.S. Army Corps of Engineers (USACE), Section 401 Water Quality Certification by the Washington Department of Ecology (Ecology), Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW), and State Environmental Policy Act (SEPA) approval (RCW Chapter 43.21 and WAC Chapter 197-11). The Stevenson Municipal Code also applies, including Title 15 “Buildings and Construction”, Title 17 “Zoning”, and Title 18 “Environmental Protection”, and all other applicable code provisions. Applicants must also comply with the Stevenson Comprehensive Plan and any applicable subarea plan.”

- FINDING(S): a. The proponent’s application has demonstrated compliance with the requirements of several federal, state, or local regulations and statutes.
b. The Planning Commission is not responsible for verifying the proponents’ compliance with all applicable regulations and statutes.
c. Delays associated with obtaining additional approvals are considered in SMC 18.08.220.

CONCLUSIONS OF LAW: This project will comply with SMP 1.6 upon satisfaction of the conditions contained herein.

CRITERION §1.7 –LIBERAL CONSTRUCTION. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 1.7 without conditions.

CRITERION §1.8 –ORGANIZATION OF THIS SHORELINE MASTER PROGRAM. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 1.8 without conditions.

CRITERION §1.9 –PERIODIC REVIEW & AMENDMENT TO THE SHORELINE MASTER PROGRAM. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 1.9 without conditions.

CHAPTER 2 – ADMINISTRATIVE PROVISIONS

CRITERION §2.1 –PURPOSE & APPLICABILITY. [This section contains guidance applicable to all criterion in the SMP but no specific regulations. The full text of this criterion is therefore omitted.]

- FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.1 without conditions.

CRITERION §2.2 –SHORELINE ADMINISTRATOR. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.2 without conditions.

CRITERION §2.3 –PRE-APPLICATION PROCEDURES.

CRITERION §2.3.1 PRE-APPLICATION CONFERENCE—REQUIRED. “A pre-application conference for all proposed review activities within shoreline jurisdiction is required. The Shoreline Administrator may waive this requirement if the applicant requests such in writing and demonstrates that the usefulness of a pre-application meeting is minimal.”

- FINDING(S): a. On behalf of the proponents, E² Land Use Planning LLC held virtual pre-

application meetings via document on September 22nd, 2020 and via several follow-up phone conversations.

CONCLUSIONS OF LAW: This project will comply with SMP 2.3.1 without conditions.

CRITERION §2.3.2 PRE-APPLICATION CONFERENCE—PURPOSE & OUTCOMES. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL PRE-APPLICATION CONFERENCES BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.3.2 without conditions.

CRITERION §2.3.3 DETERMINATION OF ORDINARY HIGH WATER MARK. "For any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely with assistance from Ecology and City staff, or a qualified professional, and the biological and hydrological basis for the location shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline."

FINDING(S): a. The *Critical Areas Report* prepared by Ecological Land Services, Inc., a qualified professional, and submitted with this proposal includes a determination of the OHWM as observed in the field.

CONCLUSIONS OF LAW: This project will comply with SMP 2.3.3 without conditions.

CRITERION §2.4 –PERMIT PROCESS.

CRITERION §2.4.1 PERMISSION REQUIRED. [This section contains guidance applicable to all criterion in the SMP but no specific regulations. The full text of this criterion is therefore omitted.]

FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.4.1 without conditions.

CRITERION §2.4.2 APPLICATION CONTENTS. [THIS SECTION CONTAINS 2 LISTS OF REQUIRED SUBMITTALS FOR APPROVAL OF PROJECTS IN SHORELINE JURISDICTION AND PROVIDES THE SHORELINE ADMINISTRATOR AUTHORITY TO REQUIRE ADDITIONAL INFORMATION. FOR BREVITY, THE FULL TEXT OF THIS SECTION IS OMITTED.]

FINDING(S): a. The findings of SMC 18.08.110 related to the acceptance of a complete application are relevant to this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.4.2 without conditions.

CRITERION §2.4.3 APPLICATION REVIEW & PROCESSING. "1. When an application is deemed complete, the Administrator may request third-party peer review of any report, assessment, delineation, or mitigation plan by a qualified professional and/or state or federal resource management agency. Such request shall be accompanied by findings supporting the Administrator's decision, which is appealable to the City Council. The City may incorporate recommendations from such third-party reports in findings approving or denying an application. In general, the cost of any third-party review will be the responsibility of the applicant; however, where a project would provide a beneficial public amenity or service, on a case-by-case basis by City Council action, costs may be shared by the City. 2. The Shoreline Administrator shall review the information submitted by the applicant and, after an optional site visit shall determine the category of project proposed according to SMC 18.08.100. 3. Applications shall be processed according to the timelines and notice procedures listed in SMC 18.08.100 through SMC 18.08.190, the review criteria of this chapter, and WAC 173-27."

FINDING(S): a. No third-party peer review was deemed necessary by the Shoreline Administrator for this proposal.
b. The Shoreline Administrator determined this project is a Category A Shoreline

Substantial Development Permit.

c. The findings and conclusions related to SMC 18.08 are also relevant under this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.4.3 without conditions.

CRITERION §2.5 –MINOR PROJECT AUTHORIZATIONS (MPA). [THIS SECTION BROADLY APPLIES TO A DIFFERENT CATEGORY OF PROJECT THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED, HOWEVER A RELEVANT SECTION HAS BEEN INCLUDED.]

"2. If any part of proposed development is not eligible for exemption from the state process, then a SSDP is required for the entire proposed development project, per WAC 173-27-040(1)(d).

FINDING(S): a. Parts of the proposal are not eligible for exemption from the SSDP process. Therefore, all development activities associated with the development are subject to approval through an SSDP.

CONCLUSIONS OF LAW: This project will comply with SMP 2.5 without conditions.

CRITERION §2.6 –SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS.

CRITERION §2.6.1 SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS – PURPOSE – APPLICABILITY – CRITERIA. "The purpose of a Shoreline Substantial Development Permit (SSDP) is to assure consistency with the provisions of the SMA and this SMP. In authorizing a SSDP, the City may attach conditions to the approval as necessary to assure the project is consistent with all applicable standards of the SMA and this SMP. The following criteria shall assist in reviewing proposed SSDPs:

1. SSDPs may not be used to authorize any use that is listed as conditional or prohibited in a shoreline designation.
2. SSDPs may not be used to authorize any development and/or use which does not conform to the specific bulk, dimensional, and performance standards set forth in this SMP.
3. SSDPs may be used to authorize uses which are listed or set forth in this SMP as permitted uses.
4. To obtain a SSDP, the applicant must demonstrate compliance with all of the following review criteria as listed in WAC 173.27.150

- a. That the proposal is consistent with the SMA;
- b. That the proposal is consistent with WAC 173-27 – Shoreline Management Permit and Enforcement Procedures; and
- c. That the proposal is consistent with this SMP and SMC 18.08 – Shoreline Management."

FINDING(S): a. The sum of the findings contained herein are relevant to review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.6.1 upon fulfillment of the conditions contained herein

CRITERION §2.6.2 SUBSTANTIAL DEVELOPMENT PERMITS – PERMIT PROCESS. "Proposals for SSDPs are subject to the City's permit procedures articulated in SMC 18.08 – Shoreline Management and the State's permit procedures articulated in WAC 173-27 – Shoreline Management Permit and Enforcement Procedures."

FINDING(S): a. The findings of SMC 18.08 are relevant to this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.6.2 without conditions.

CRITERION §2.7 –SHORELINE CONDITIONAL USE PERMITS. [THIS SECTION APPLIES TO A DIFFERENT CATEGORY OF PROJECT THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. The proposal does not involve a Shoreline Conditional Use Permit; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.7 without conditions.

CRITERION §2.8 –SHORELINE VARIANCES. [THIS SECTION APPLIES TO A DIFFERENT CATEGORY OF PROJECT THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. The proposal does not involve a Shoreline Variance; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.8 without conditions.

CRITERION §2.9 –NONCONFORMING USE & DEVELOPMENT.

CRITERION §2.9.1 NONCONFORMING USE & DEVELOPMENT – PURPOSE – APPLICABILITY – CRITERIA. "The purpose of nonconforming use and development provisions is to recognize uses and development that have previously been established within shoreline jurisdiction. Where those uses & development were lawfully established according to the standards in place prior to the effective date of this SMP, these provisions are intended to allow the use or development to continue— or be "grandfathered"—until a later date when conformity to this SMP can be achieved. The following policies shall assist in reviewing proposals involving nonconforming use and/or development:

1. Nonconforming Use is defined herein.

2. Nonconforming uses and developments on Stevenson's shorelines shall meet the standards of the City of Stevenson Zoning Code, SMC 17.44 – Nonconforming Uses, with the following exceptions:

a. A building or structure conforming as to use but nonconforming as to the shoreline setback, critical area buffer, and/or height provisions of the environment designation in which said building or structure is located may be maintained, repaired, or altered by expansion or enlargement, provided, that the alteration meets all applicable provisions of this SMP and does not further exceed or violate the appropriate shoreline setback, critical area buffer, and height provisions. (For example, a building or structure encroaching in a shoreline setback area shall not further encroach into the shoreline setback area as a result of the alteration.)

b. For the purposes of this SMP, any strengthening or restoring to a safe condition permitted under SMC 17.44.090(B) shall not further exceed or violate the appropriate shoreline bulk or dimensional standards of this SMP.

c. Proposed uses and structures that are appurtenant or accessory to nonconforming dwelling units must conform to all applicable requirements of this SMP.

d. A structure for which a shoreline variance (SVAR) has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

e. A structure that is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a SCUP. A SCUP may be approved only upon a finding that:

i. No reasonable alternative conforming use is practical; and

ii. The proposed use will be at least as consistent with the policies and provisions of the SMA and this SMP and as compatible with the uses in the area as the preexisting use.

f. A nonconforming structure which is moved any distance must be brought into conformance with this SMP and the SMA unless a SVAR is approved.

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

FINDING(S): a. The findings contained in SMP Chapter 5 are relevant to review of this criterion.
b. Utilities in this location predate the adoption of the SMA and this SMP. Upgrades to these utilities have occurred over time, including as part of a proposal permitted under **City File #SHOR1992-02**.
c. Aspects of the proposal do not conform to the shoreline setback and critical area buffer provisions of this SMP.
d. As documented in other findings herein, the proposed maintenance, repair or

alteration by expansion or enlargement meet all applicable provisions of this SMP.
e. The proposal related to these nonconforming developments does not further exceed the appropriate shoreline setback or critical area buffer.

CONCLUSIONS OF LAW: This project will comply with SMP 2.9.1 upon fulfillment of the conditions contained herein

CRITERION §2.9.2 SUBSTANTIAL DEVELOPMENT PERMITS – PERMIT PROCESS. “Proposals for SSDPs are subject to the City’s permit procedures articulated in SMC 18.08 – Shoreline Management and the State’s permit procedures articulated in WAC 173-27 – Shoreline Management Permit and Enforcement Procedures.”

FINDING(S): a. The findings of SMC 18.08 are relevant to this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 2.9.2 without conditions.

CONCLUSIONS OF LAW: This project will comply with SMP 2.9 upon satisfaction of conditions contained herein.

CRITERION §2.10 –SHORELINE PERMIT REVISIONS. “A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this SMP and/or the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision and may be authorized through a Minor Project Authorization. When a revision of a Shoreline Permit is sought, the applicant shall submit detailed plans and text describing the proposed changes and must demonstrate compliance with the following guidelines and standards as articulated in WAC 173-27-100:

1. If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this SMP and the SMA, the City may approve a revision.
2. “Within the scope and intent of the original permit” means all of the following:
 - a. No additional over water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or 10% from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of 10% from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original permit or part thereof;
 - d. Additional revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision.
3. Revisions to permits that have already expired (RCW 90.58.143) may be allowed only if the changes:
 - a. Are consistent with this section;
 - b. Would not otherwise require a Shoreline Permit per the SMA, WAC 173-27-100, or this SMP. If the proposed change constitutes substantial development then a new permit is required; and
 - c. The revision does not extend the time requirements of the original permit or authorize substantial development beyond the time limits of the original permit.
4. If the revision, or the sum of the revision and any previously approved revisions, cannot satisfy all the provisions itemized in subsection 2 of this section, the applicant shall be required to apply for a new Shoreline Permit.
5. Revision approval, including revised site plans and text necessary to clearly indicate the authorized changes and the final consistency ruling, shall be subject to the notice and filing procedures of SMC 18.08.190; provided, that the timelines stated in WAC 173-27-100 are to be followed in the event of any discrepancy.
6. The revised permit is effective immediately upon final decision by the City or, when appropriate, upon final action by Ecology.

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

- FINDING(S):
- a. Unforeseeable changes occur during construction projects of the magnitude proposed.
 - b. The Shoreline Administrator and not the project proponent is responsible for determining whether changes are substantive to ensure enforcement of this permit and the SMP. A condition is necessary to provide this review.

CONCLUSIONS OF LAW: This project will comply with SMP 2.10 upon satisfaction of Condition 7, below.

CONDITIONS:

- 7. Throughout the Duration of this Permit,** the proponents shall contact the Shoreline Administrator prior to constructing any change to the proposal to determine whether the change should be permitted and whether the permission should be through a Minor Project Authorization or a Shoreline Permit Revision.

CHAPTER 3 – SHORELINE ENVIRONMENT DESIGNATION PROVISIONS

CRITERION §3.1 –INTRODUCTION. [This section contains guidance applicable to all criterion in the SMP but no specific regulations. The full text of this criterion is therefore omitted.]

- FINDING(S):
- a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 3.1 without conditions.

CRITERION §3.2 –ENVIRONMENT DESIGNATIONS.

CRITERION §3.2.1 AQUATIC ENVIRONMENT. "1. Purpose: The purpose of the Aquatic Environment is to protect, restore, and

manage the unique characteristics and resources of the areas waterward of the Ordinary High-Water Mark (OHWM).

2. Location Criteria: The Aquatic SED may only apply to lands waterward of the OHWM and wetlands.

3. Management Policies:

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

- FINDING(S):
- a. The proposed modification of an existing stormwater outfall and the proposed

- replacement of an existing sanitary sewer forcemain on the Rock Creek Drive Bridge are located in the Aquatic SED.
- b. The proposal does not involve overwater structures.
- c. The proposed forcemain in the Aquatic SED is collocated on the Rock Creek Drive Bridge.
- d. The proposals in the Aquatic SED are designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife.
- e. The proposed Utility use limits adverse impacts to ecological functions of critical freshwater habitats.
- f. The proposal prevents degradation of water quality and alteration of natural hydrographic functions.
- g. The proposal utilizes shoreline space in the same location of existing utilities; no conflicts are identified with preferred uses.

CONCLUSIONS OF LAW: This project will comply with SMP 3.2.1 without conditions.

CRITERIA §3.2.2→3.2.4. [THIS SECTION APPLIES TO A DIFFERENT CATEGORY OF SHORELINE ENVIRONMENT DESIGNATION THAN APPLICABLE TO THE PROPOSAL FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. The proposal is not located in a Natural, Shoreline Residential, or Urban Conservancy SEDs; no specific findings are required for review of these criteria.

CONCLUSIONS OF LAW: This project will comply with SMP 3.2.2 through SMP 3.2.4, inclusive without conditions.

CRITERION §3.2.5 ACTIVE WATERFRONT ENVIRONMENT. "1. Purpose: The purpose of the Active Waterfront Environment is to recognize the existing pattern of mixed-use development and to accommodate new water-oriented commercial, transportation, recreation, and industrial uses while protecting existing ecological functions of open space, floodplain, and other sensitive lands and restoring ecological functions in areas that have been previously degraded.

2. Location Criteria: The Active Waterfront SED may apply to shorelands that 1) currently support or 2) are appropriate and planned for water-oriented commercial, transportation, recreation, and industrial development that is compatible with protecting or restoring of the ecological functions of the area.

3. Management Policies:

- a. Prefer uses that preserve the natural character of the area or promote preservation of open spaces and sensitive lands, either directly or over the long term. Allow uses that result in restoration of ecological functions if the use is otherwise compatible with the purpose of the environment and the setting.
- b. Give priority to water-oriented uses, with first priority to water-dependent, then second priority to water-related and water-enjoyment uses. For shoreline areas adjacent to commercially navigable waters, give highest priority to water-dependent uses.
- c. Prohibit new non-water-oriented uses, except:
 - i. As part of mixed use development;
 - ii. In limited situations where they do not conflict with or limit opportunities for water-oriented uses;
 - iii. On sites where there is no direct access to the shoreline;
 - iv. As part of a proposal that result in a disproportionately high amount of restoration of ecological functions.
- d. Assure no net loss of shoreline ecological functions as a result of new development through shoreline policies and regulations. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.
- e. Require public visual and physical access and implement public recreation objectives whenever feasible and where significant ecological impacts can be mitigated.

- FINDING(S): a. The proposed improvements to the pump station and appurtenant structures, the proposed modification of an existing stormwater line on shorelands, the proposed replacement of an existing sanitary sewer forcemain on shorelands, and the proposed replacement of gravity sewer lines and manholes are located in the Active Waterfront SED.
- b. The proposal utilizes shoreline space in the same location of existing utilities; no conflicts are identified with preferred or priority uses.
- c. The proposal does not involve new Utility uses in the SED.
- d. The findings related to SMP Chapter 4 are also relevant to review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 3.2.5 without conditions.

CHAPTER 4 – GENERAL PROVISIONS FOR ALL SHORELINE ACTIVITIES

CRITERION §4.1 –INTRODUCTION. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN SMP CHAPTER 4 BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 4.1 without conditions.

CRITERIA §4.2 –CULTURAL RESOURCES. "4.2.1 Applicability [THIS SECTION DESCRIBES THE SMP'S APPLICABILITY TO THE SITES WHERE CULTURAL RESOURCES HAVE BEEN DOCUMENTED, IDENTIFIED, OR DISCOVERED BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4.2.2 Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP'S REGULATIONS PROTECTING CULTURAL RESOURCES ARE BASED, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4.2.3 Regulations. [FOUR SUBSECTIONS FOLLOW ESTABLISHING WHEN CULTURAL RESOURCES SURVEYS ARE REQUIRED AND HOW RESOURCES SHOULD BE PROTECTED. THE PROPONENTS PREPARED A CULTURAL RESOURCES SURVEY TO SATISFY OTHER APPROVALS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S): a. The *Cultural Resource Survey* prepared by Archaeological Investigations Northwest, Inc. and submitted with this proposal has been reviewed by federal, state and tribal agencies, after which a Cultural Resources Monitoring Plan was determined necessary.
- b. Archaeological Investigations Northwest, Inc. is in the process of preparing the Cultural Resources Monitoring Plan on behalf of the proponents.
- c. A condition is appropriate to ensure implementation of the cultural resources monitoring plan.

CONCLUSIONS OF LAW: This project will comply with SMP 4.2 upon satisfaction of Condition 8, below.

CONDITIONS:

- 8. Throughout the Duration of this Permit,** the proponents shall implement a cultural resources monitoring plan developed in consultation with federal, state, and/or tribal agencies.

CRITERION §4.3 –ENVIRONMENTAL PROTECTION & NO NET LOSS. "4.3.1 Policies [THIS SECTION DESCRIBES THE BROAD POLICIES ON WHICH THE SMP'S INTENDS TO PREVENT NET LOSS OF SHORELINE ECOLOGICAL FUNCTIONS, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4.3.2 General Critical Areas Regulations. [FIVE SUBSECTIONS FOLLOW ESTABLISHING THE REGULATIONS INTENDED TO AVOID NET LOSS OF ECOLOGICAL FUNCTIONS. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]

- FINDING(S):
- a. The findings of other sections in SMP Chapter 4, SMP Chapter 5, SMP Chapter 6, and SMC 18.13 are relevant to the review of this criterion.
 - b. The *Critical Areas Report* prepared by Ecological Land Services, Inc. (ELS) and submitted with this proposal includes appropriately applies Mitigation Sequencing of the proposal
 - c. To demonstrate compliance with state and federal requirements, the proponents evaluated the cumulative impacts of the proposal, including the no action alternative.
 - c. The project complied with the State Environmental Policy Act through City File # SEPA2019-03.
 - d. The ELS report identifies the appropriate mitigation for the proposal's impacts.
 - e. The ELS report establishes a schedule of monitoring reports to be submitted after the proposed project occurs. The monitoring reports provide an opportunity to document the project's compliance with the no-net-loss standard.
 - e. Documentation of no-net-loss can include loss of ecological functions avoided by the capacity increases of the proposal.
 - f. Conditions are necessary to ensure the proposal will achieve no-net-loss standards.

CONCLUSIONS OF LAW: This project will comply with SMP 4.3 upon satisfaction of Condition 9, below.

CONDITIONS:

- 9. Prior to Submittal of the Final Monitoring Report**, the proponents shall provide a table summarizing the ecological functions lost and gained as a result of the proposal. If the report cannot document no-net-loss of shoreline ecological functions, a contingency plans shall be developed, implemented, and monitored.

CRITERION §4.4 –CRITICAL AREAS. "4.4.1 Applicability [THIS SECTION DESCRIBES THE SMP'S APPLICABILITY TO PROPOSALS HAVING THE POTENTIAL TO IMPACT CRITICAL AREAS BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]
 4.4.2 Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP'S REGULATIONS RELATED TO CRITICAL AREAS, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]
 4.4.3 General Critical Areas Regulations. [THREE SUBSECTIONS FOLLOW ESTABLISHING THE RELATIONSHIP BETWEEN PROJECTS, THE CRITICAL AREAS CODE OF SMC 18.13, AND APPROVALS FROM FEDERAL AND STATE AGENCIES. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]
 4.4.4 Fish & Wildlife Habitat Conservation Area Regulations. [FOUR SUBSECTIONS FOLLOW ESTABLISHING THE RELATIONSHIP BETWEEN PROJECTS, THE CRITICAL AREAS CODE OF SMC 18.13, AND APPROVALS FROM FEDERAL AND STATE AGENCIES. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]
 4.4.4 Wetlands Regulations. [TWO SUBSECTIONS FOLLOW ESTABLISHING THE RELATIONSHIP BETWEEN PROJECTS, THE CRITICAL AREAS CODE OF SMC 18.13, AND APPROVALS FROM FEDERAL AND STATE AGENCIES. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]

- FINDING(S):
- a. The findings of SMP Section 4.3 and SMC 18.13 are relevant to the review of this criterion.
 - b. The *Critical Areas Report* prepared by Ecological Land Services, Inc.(ELS) and submitted with this proposal includes analyzes the proposal's potential adverse impacts to Fish & Wildlife Habitat Conservation Areas and establishes the absence of Wetlands at the proposal site.
 - c. The ELS report identifies functionally isolated and degraded buffers and the presence of several invasive plant species at the proposal site and calls for

restoration of buffer areas in its mitigation plan.

d. Portions of the proposal potentially involve work below the OHWM where state and federal approvals are necessary.

e. Conditions are necessary to ensure the proposal will implement the mitigation plan and achieve no-net-loss standards.

CONCLUSIONS OF LAW: This project will comply with SMP 4.4 upon satisfaction of Condition 10, below and other conditions contained herein.

CONDITIONS:

10. Prior to Expiration of this Permit, the proponents shall implement the Critical Areas Mitigation Plan as it applies to all areas of the Rock Creek Drive right-of-way. Additionally:

- a. **Prior to the Start of Construction**, the outer edge of all buffer areas shall be clearly staked, flagged, and fenced in the field at the proposal site. These markers shall be clearly visible, durable, posted in the ground, and maintained throughout the duration of construction activities.
- b. **Prior to removal of "Tree of Heaven" from the Proposal Site**, the proponents shall consult with the Skamania County Noxious Weed Board to ensure the removal is undertaken appropriately.

CRITERION §4.5 –FLOOD HAZARD REDUCTION. "4.5.1 Applicability [THIS SECTION DESCRIBES THE SMP'S APPLICABILITY TO THE SITES IN FREQUENTLY FLOODED AREAS AND CHANNEL MIGRATION ZONES BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]
4.5.2 Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP'S REGULATIONS RELATED TO REDUCING FLOOD HAZARDS ARE BASED, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]
4.5.3 Regulations. [EIGHT SUBSECTIONS FOLLOW ESTABLISHING WHEN FLOOD HAZARD AND CHANNEL MIGRATION ZONE STUDIES ARE REQUIRED AND IMPACTS ARE TO BE AVOIDED. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]

FINDING(S):

- a. The proposal narrative prepared by E² and Use Planning LLC and the proposal site plan show the elevation of improvements occurring above the base flood elevation and outside of the mapped 100-year floodplain of Rock Creek.
- b. The project is located within a mapped pCMZ; however the shoreline administrator waived the requirement for a critical area report on channel migration zones.

CONCLUSIONS OF LAW: This project will comply with SMP 4.5 without conditions.

CRITERION §4.6 –PUBLIC ACCESS. "4.6.1 Applicability [THIS SECTION DESCRIBES THE SMP'S APPLICABILITY TO THE PROPOSALS' PROVISION OF PUBLIC ACCESS, BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]
4.6.2 Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP'S REGULATIONS RELATED TO PROVIDING PUBLIC ACCESS ARE BASED, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]
4.6.3 Regulations. [ELEVEN SUBSECTIONS FOLLOW ESTABLISHING WHEN PUBLIC ACCESS SHOULD BE ADDRESSED BY PROPOSALS. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]

FINDING(S):

- a. The proposal involves public funding on public lands and portions of the proposal are not water-dependent or preferred uses under the SMA.
- b. Suitable public visual access is already provided by the Rock Creek Drive Bridge and the proposal will not negatively impact this existing physical access nor create a demand for shoreline public access that cannot be accommodated by the existing public access system and existing public recreational facilities in the immediate

vicinity.

c. Physical public access is not provided at the proposal site and additional public access is infeasible due to the unavoidable health or safety hazards presented by the passage of waste through the public sewer system.

d. The Planning Commission is satisfied that all reasonable alternatives for provision of shoreline physical access at the proposal site have been exhausted.

CONCLUSIONS OF LAW: This project will comply with SMP 4.6 without conditions.

CRITERION §4.7 –WATER QUALITY & NON-POINT SOURCE POLLUTION. “4.7.1 Applicability [THIS SECTION DESCRIBES THE SMP’S APPLICABILITY TO THE PROPOSALS’ PROTECTION OF ECOLOGICAL FUNCTIONS RELATED TO STORMWATER, BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4.7.2 Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP’S REGULATIONS RELATED TO PROTECTIONS OF ECOLOGICAL FUNCTIONS RELATED TO STORMWATER, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4.7.3 Regulations. [SIX SUBSECTIONS FOLLOW ESTABLISHING WHEN PUBLIC ACCESS SHOULD BE ADDRESSED BY PROPOSALS. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]

FINDING(S):

- a. The *Technical Memorandum: Rock Creek Pump Station Stormwater Management* prepared by Wallis Engineering and submitted with this proposal evaluates the proposal’s design and determines consistency with the *SMMWW*.
- b. Construction of the proposal is subject to construction-related stormwater conditions from other approvals which protect and maintain surface and ground water.
- c. Operation of the proposal overtime does not require any special conditions to protect and maintain surface and ground water.
- d. The findings related to SMP Chapter 5 are relevant to review of this criterion.
- e. The replacement of the stormwater outfall has the potential to come into contact with water. A condition is necessary to ensure the proposal is consistent with SMP 4.7.3.6.

CONCLUSIONS OF LAW: This project will comply with SMP 4.7 upon satisfaction of Condition 11, below.

CONDITIONS:

11. Prior to the Start of Construction, the proponents shall obtain all appropriate federal and state approvals for any work occurring below the OHWM.

CRITERION §4.8 –SHORELINES OF STATEWIDE SIGNIFICANCE. [THIS SECTION APPLIES TO PROPOSALS ADJACENT TO DIFFERENT WATERBODIES THAN HAS BEEN PROPOSED. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S):

- a. The proposal is not located along a Shoreline of Statewide significance; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 4.8 without conditions.

CHAPTER 5 – SHORELINE USE REGULATIONS

CRITERION §5.1 –INTRODUCTION. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERIA IN SMP CHAPTER 5 BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

FINDING(S): a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 5.1 without conditions.

CRITERION §5.2 –PROVISIONS APPLICABLE TO ALL USES. "1. When determining allowable uses and resolving use conflicts within the City’s shoreline jurisdiction, the following preferences and priorities shall apply in the order listed below:
 a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
 b. Reserve shoreline areas for water-dependent and associated water-related uses.
 c. Allow mixed uses projects that include or support water-dependent uses.
 d. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 e. New uses shall be subject to the setback requirements and height limitations contained in Table 5.1 – Shoreline Use & Dimensional Standards.

FINDING(S): a. Utility uses are a listed use in the applicable SEDs.
 b. The proposal site is currently used for Utility uses and no use conflict has been identified.

CONCLUSIONS OF LAW: This project will comply with SMP 5.2 without conditions.

CRITERION §5.3 –SHORELINE USE TABLE. "1. Types of Uses: For the purposes of this SMP, there are 3 kinds of use:
 a. A Permitted (P) use is one that may be authorized through a Minor Project Authorization or Shoreline Substantial Development Permit subject to all the applicable provisions of this SMP.
 b. A Conditional (C) use is a discretionary use reviewed according to the process and criteria in SMP Section 2.7.
 c. A Prohibited (X) use is one that is not permitted in a Shoreline Environment Designation. b. Ground area coverage and height may be increased a maximum of 10% from the provisions of the original permit;
 d. When a letter or use category is not listed in this section, an interpretation may be initiated under SMP Section 5.4.13.
 2. Use Table: A list of permitted, conditional and prohibited uses in each Shoreline Environment Designation (SED) is presented in Table 5.1 – Shoreline Use & Dimensional Standards. The table also lists the minimum shoreline setbacks applicable to the use, activity, or development categories within each SED. This table is intended to work in concert with the specific use policies and regulations that following, however, where there is a discrepancy between this table and the text of the SMP, the text shall take precedence. [TABLE 5.1 OF THE SMP CONTAINS 12 TYPES OF HIGH-LEVEL USE CATEGORIES, FOR BREVITY, ALL USE CATEGORIES OTHER THAN "UTILITIES" ARE OMITTED.]

TABLE 5.1 – SHORELINE USE & SETBACK STANDARDS, CONT.										
	Shoreline Environment Designation									
	Most Restrictive					Least Restrictive				
	AQUATIC		NATURAL		SHORELINE RESIDENTIAL		URBAN CONSERVANCY		ACTIVE WATERFRONT	
	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)
P= Permitted, C=Conditional Use, X= Not Permitted, n/a= Not Applicable										
Utilities										
Water-Oriented	P	n/a	C	0	C	0	P	0	P	0
Non-Water-Oriented (Parallel)	X	n/a	C	100	C	50	P	50	P	33
Non-water-Oriented (Perpendicular)	C	n/a	C	0	C	0	C	0	P	0

FINDING(S):

- a. The findings in SMP 2.9 are relevant to this criterion.
- b. The findings in SMP Chapter 3 are relevant to this criterion.
- c. The various components of the proposal involve Water-Oriented, Non-Water-Oriented (Parallel), and Non-Water-Oriented (Perpendicular) Utilities.
- d. The proposed modification of an existing stormwater outfall is a Water-Oriented Utility listed as P-Permitted which is not subject to setbacks in the Aquatic SED.
- e. The proposed replacement of an existing sanitary sewer forcemain on Rock Creek Drive Bridge is a Non-Water-Oriented (Perpendicular) Utility listed as C-Conditional which is not subject to setbacks in the Aquatic SED; however, the use is considered a Nonconforming Use under SMP 2.9 and no Shoreline Conditional Use Permit is necessary.
- f. The proposed improvements to the pump station and appurtenant structures are a Non-Water-Oriented (Parallel) Utility listed as P-Permitted and subject to a 33' setback in the Active Waterfront SED; however, the development is considered a Nonconforming Development under SMP 2.9 and no Shoreline Variance is necessary.
- g. The proposed modification of an existing stormwater line on shorelands is a Water-Oriented Utility listed as P-Permitted subject to a 0' setback in the Active Waterfront SED.
- h. The proposed replacement of an existing sanitary sewer forcemain on shorelands is a Non-Water-Oriented (Parallel & Perpendicular) Utility listed as P-Permitted and variously subject to 0' and 33' setbacks in the Active Waterfront SED; however, the development is considered a Nonconforming Development under SMP 2.9 and no Shoreline Variance is necessary.
- i. The proposed replacement of gravity sewer lines and manholes is a Non-Water-Oriented (Parallel) Utility listed as P-Permitted and subject to a 33' setback in the Active Waterfront SED.

CONCLUSIONS OF LAW:

This project will comply with SMP 5.3 without conditions.

CRITERION §5.4 –SPECIFIC SHORELINE USE POLICIES & PROVISIONS.

CRITERIA §5.4.1 → §5.4.11. [THESE SECTION APPLIES TO USES DIFFERENT THAN HAS BEEN PROPOSED. THE FULL TEXT OF THESE CRITERIA ARE THEREFORE OMITTED.]

FINDING(S):

- a. No specific findings are required for review of these criteria.

CONCLUSIONS OF LAW:

This project will comply with SMP 5.4.1 through 5.4.11, inclusive without conditions.

CRITERIA §5.4.12 -UTILITIES. "1. Location Description. [THIS SECTION A CONTAINS GUIDANCE APPLICABLE TO ALL UTILITY USES BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

2. Applicability. [THIS SECTION DESCRIBES THE SMP'S APPLICABILITY TO THE PROPOSED USE BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

3. Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP'S REGULATION OF UTILITIES ARE BASED, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4. Regulations.

- a. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

- b. Infrastructure plans shall be reviewed for compatibility with this SMP, and utility service availability in shoreline jurisdiction shall not be the sole cause justifying more intense development.
- c. Primary utility production and processing facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
- d. Transmission facilities shall be located to cause minimal harm to the shoreline and shall be located outside of shoreline jurisdiction whenever feasible. When located within the Columbia River shoreline, utility facilities shall be brought underground.
- e. Transmission facilities shall be located in existing rights-of-way whenever possible, cross shoreline jurisdiction by the most direct route feasible, and generally be located perpendicular to the shoreline, unless an alternative route would result in less impact on shoreline ecological functions;
- f. Where environmental impacts are less significant, utility transmission lines, pipes, and wires shall be bored under a river, stream, or CMZ, or permanently affixed to a bridge or other existing above-ground structure, where feasible;
- g. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

- FINDING(S):**
- a. The proposed utilities are designed to minimize harm to shoreline ecological functions in a highly-disturbed location and the capacity of the proposed utilities exceeds the projected needs of the community.
 - b. The 2016 General Sewer Plan and Wastewater Facilities Plan Update predated the City Council authorization of this SMP; therefore no review was possible at the time.
 - c. Alternative locations for the proposed non-water-oriented utility are not feasible.
 - d. The proposed transmission components of the project are located in existing rights-of-way and use the most direct routes feasible to enter and cross through shoreline jurisdiction.
 - e. The proposed forcemain is permanently affixed to the Rock Creek Drive Bridge.
 - f. The findings related to SMP Chapter 4 are also relevant to the review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 5.4.12 upon compliance with the conditions herein.

CRITERION §5.4.13 –UNLISTED USES. [THIS SECTION APPLIES TO A DIFFERENT USE SCENARIO THAN HAS BEEN PROPOSED FOR REVIEW. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):**
- a. The proposal is listed in the Use Table of SMP 5.3; no specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 5.4.13 without conditions.

CHAPTER 6 – SHORELINE MODIFICATION PROVISIONS

CRITERION §6.1 –INTRODUCTION. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERIA IN SMP CHAPTER 6 BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):**
- a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 6.1 without conditions.

CRITERION §6.2 –GENERAL PROVISIONS FOR ALL SHORELINE MODIFICATIONS. “Shoreline modifications are expected to implement the following principles:

- 1. Policies: The environmental impacts of new shoreline modifications should be consistent with the following:
 - a. Limit the number and physical extent of shoreline modifications,

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

FINDING(S): a. The findings related to SMP Chapter 4 are relevant to review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 6.2 without conditions.

CRITERION §6.3 –SHORELINE MODIFICATIONS TABLE. “The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. This table is intended to work in concert with the specific modification policies and regulations that follow, however, where there is a discrepancy between this table and the text of the SMP, the text shall take precedence.

TABLE 6.1 – ALLOWED SHORELINE MODIFICATIONS					
	Most Restrictive to Least Restrictive				
	AQUATIC	NATURAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	ACTIVE WATERFRONT
P= Permitted, C=Conditional Use, X= Not Permitted, N/A= Not Applicable					
Vegetation Removal	See Adjacent Upland Environment				
All		P	P	P	P

- FINDING(S):**
- a. The findings in SMP Chapter 3 are relevant to this criterion.
 - b. The proposal involves f Shoreline Vegetation Removal, a P-Permitted modification in the Active Waterfront SED and adjacent areas in the Aquatic SED.
 - c. The findings of SMP Chapter 4 are relevant to this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 6.3 upon satisfaction of conditions contained herein

CRITERION §6.4 –SPECIFIC SHORELINE MODIFICATION PROVISIONS.

CRITERIA §6.4.1 –VEGETATION REMOVAL. “1. Applicability [THIS SECTION DESCRIBES THE SMP’S APPLICABILITY TO THE REPLACEMENT OF VEGETATION REMOVED IN SHORELINE JURISDICTION BUT CONTAINS NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

2 Policies. [THIS SECTION CONTAINS THE BROAD POLICIES ON WHICH THE SMP’S REGULATIONS RELATED TO REPLACING REMOVED VEGETATION ARE BASED, BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

4.5.3 Regulations. [SEVEN SUBSECTIONS AND ONE TABLE FOLLOW ESTABLISHING MITIGATION FOR REMOVAL OF SHORELINE VEGETATION. FOR BREVITY THE FULL TEXT OF THIS CRITERION IS OMITTED.]

- FINDING(S):
- a. The findings in SMP Chapter 4 are relevant to this criterion.
 - b. The vegetation removed is limited to the minimum necessary to accommodate the proposal and the achievement of not-net-loss standards.

CONCLUSIONS OF LAW: This project will comply with SMP 6.4.1 upon satisfaction of the conditions contained herein.

CRITERIA §6.4.2 → §6.4.6. [THESE SECTION APPLIES TO SHORELINE MODIFICATIONS DIFFERENT THAN HAS BEEN PROPOSED. THE FULL TEXT OF THESE CRITERIA ARE THEREFORE OMITTED.]

- FINDING(S):
- a. The proposal does not involve Fill, Shoreline Stabilization, Shoreline Restoration, Dredging or Breakwaters, Jetties, Groins & Weirs; No specific findings are required for review of these criteria.

CONCLUSIONS OF LAW: This project will comply with SMP 6.4.2 through 6.4.6, inclusive without conditions.

CHAPTER 7 - DEFINITIONS

CRITERION §7.1 – ABBREVIATIONS & ACRONYMS. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):
- a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 7.1 without conditions.

CRITERION §7.2 – WORDS & PHRASES. [THIS SECTION CONTAINS GUIDANCE APPLICABLE TO ALL CRITERION IN THE SMP BUT NO SPECIFIC REGULATIONS. THE FULL TEXT OF THIS CRITERION IS THEREFORE OMITTED.]

- FINDING(S):
- a. No specific findings are required for review of this criterion.

CONCLUSIONS OF LAW: This project will comply with SMP 7.2 without conditions.

SMC CH. 18.13 CRITICAL AREAS AND NATURAL RESOURCE LANDS

This chapter considers whether projects are located within or likely to impact Critical Areas (Critical Aquifer Recharge Areas, Fish & Wildlife Habitat Areas, Frequently Flooded Areas, Geologically Hazardous Areas, Wetlands), requiring mitigation if impacts are identified. The Chapter is subject to administrative review and approval. For brevity, detailed descriptions of the Critical Areas Code's 23 sections are omitted.

- FINDING(S):
- a. The findings made under SMP 4.3 and SMP 4.4 are relevant for review under this criterion.
 - b. The applicants have submitted a complete application for a Shoreline Permit integrated with review under the Critical Areas Code.
 - c. The Critical Areas Report prepared by Ecological Land Services, Inc. (ELS) and submitted for this project complies with the report requirements of SMC 18.13.095(C) & (F).
 - d. The proponents have appropriately applied the City's preferred mitigation sequence to this proposal.
 - e. The above-referenced assessments contain recommendations and mitigation plans to ensure the proposal does not adversely impact critical areas.
 - g. The proposal's mitigation plan adequately addresses the Vegetation Removal

Standards of SMP 6.4.1.

CONCLUSIONS OF LAW: This project will comply with the Critical Areas Ordinance upon satisfaction of the conditions contained herein.

FINAL ORDER

A Shoreline Substantial Development shall be issued for the proposal submitted as SHOR 2021-01. The project will be consistent with the policy and provisions of the SMA and the SMP upon satisfactions of the conditions listed herein. For ease of readership, the conditions are repeated below:

Any person aggrieved by the granting of this permit by the Council may seek review from the Shorelines Hearings Board, pursuant to RCW 90.58.180.

1. **Within 21 Days from Receipt of the Final Decision**, the proponent shall file any appeal according to SMC 18.08.200.
2. **Construction Pursuant to this Permit Shall not Begin** and is not authorized until 21 days from the date of filing with Ecology, per WAC 173-27-190 or as subsequently amended, or until all review proceedings initiated within 21 days from the date of such filing have been terminated.
3. **Within 2 years of the effective date of this permit**, construction activities associated with this permit shall commence or a written request for a maximum 1-year extension shall be submitted to the City. If construction activities do not commence accordingly, the permit shall expire.
4. **Within 5 years of the effective date of this permit**, all development activities associated with this permit shall terminate or a written request for a maximum 1-year extension shall be submitted to the City.
5. **Prior to the start of construction**, the proponent shall submit the City documentation sufficient to establish an accurate timeline of any activity justifying an extension of the permit's duration based on SMC 18.08.220(D). No such documentation will be accepted by the City after construction commences.
6. **Throughout the Duration of this Permit**, the proponents shall provide reasonable access to the Shoreline Administrator to ensure enforcement of this permit and the SMP.
7. **Throughout the Duration of this Permit**, the proponents shall contact the Shoreline Administrator prior to constructing any change to the proposal to determine whether the change should be permitted and whether the permission should be through a Minor Project Authorization or a Shoreline Permit Revision.
8. **Throughout the Duration of this Permit**, the proponents shall implement a cultural resources monitoring plan developed in consultation with federal, state, and/or tribal agencies.
9. **Prior to Submittal of the Final Monitoring Report**, the proponents shall provide a table summarizing the ecological functions lost and gained as a result of the proposal. If the report cannot document no-net-loss of shoreline ecological functions, a contingency plans shall be developed, implemented, and monitored.
10. **Prior to Expiration of this Permit**, the proponents shall implement the Critical Areas Mitigation Plan as it applies to all areas of the Rock Creek Drive right-of-way. Additionally:
 - a. **Prior to the Start of Construction**, the outer edge of all buffer areas shall be clearly staked, flagged, and fenced in the field at the proposal site. These markers shall be clearly visible, durable, posted in the ground, and maintained throughout the duration

of construction activities.

b. Prior to removal of “Tree of Heaven” from the Proposal Site, the proponents shall consult with the Skamania County Noxious Weed Board to ensure the removal is undertaken appropriately.

11. Prior to the Start of Construction, the proponents shall obtain all appropriate federal and state approvals for any work occurring below the OHWM.

DATED this ____ day of March, 2021

For the Planning Commission,
Valerie Hoy-Rhodehamel, Chair
City of Stevenson

DRAFT

RECEIVED

NOV 23 2020

Petition for Vacation of a City Road

BY: _____

IN THE MATTER OF THE PETITION OF

Patricia and Gerald Doble

313 and 521 NW Iman Cemetery Road, Stevenson, WA 98648 (503)226-2300

(name)

(Mailing address)

(Day phone)

and others for the Vacation of

Iman Cemetery Road (north of First Falls View Road)

(Road Name or Number)

TO THE CITY COUNCIL OF STEVENSON, WASHINGTON

We, the undersigned property owners within the City of Stevenson, State of Washington do petition that the following described City Road be vacated:

(FILL IN EXACT LEGAL DESCRIPTIONS OF PORTION OF ROAD TO BE VACATED)

A tract of land lying in Iman Rock Creek Tracts in Southeast 1/4 of Section 35, Township 3 North, Range 7 East, Willamette Meridian, City of Stevenson, Skamania County, Washington, being more particularly described as follows:

Beginning at the Southwest corner of Lot 10, said Iman Rock Creek Tracts; thence on the Westerly extension of the Southerly line of said Lot 10, South 70°40'00" West 51.19 feet to the intersection with the Easterly line of Lot 9, said Iman Rock Creek Tracts; thence on said Easterly line, North 06°58'00" West 115.07 feet, more or less, to the intersection with the centerline of Rock Creek as described in Book Z, Page 439, Deed of Records of Skamania County; thence on said centerline, North 42°03'40" East 66.22 feet to the Northwest corner of said said Lot 10; thence on the Westerly line of said Lot 10, South 06°58'00" East 147.53 feet to the point of beginning.

Contains 6,565 square feet (0.151 acre), more or less.

_____, the whole distance being about _____ miles.

The road to be vacated provides no access to a body of water: Initials:

City: N/A - see note

N/A: The road to be vacated provides access to Rock Creek.

Applicant: YD

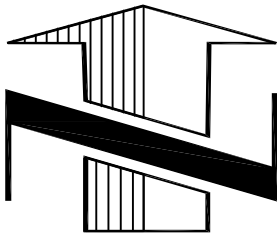
Your petitioners respectfully represent and allege that the road is useless as a part of the general road system and the public will be benefited by its vacation, and that all of your petitioners are property owners abutting said road; wherefore your petitioners request the vacation of said road, as provided by law. Applicants acknowledge City may retain an easement in vacated property for utilities and access.

REFERENCES :

PLAT OF IMAN ROCK CREEK TRACTS
 BY CLARK ELDRIDGE, P.E. SEPT. 1963,
 VOL. "A" OF PLATS, PAGE 118.

NOTES :

BEARINGS BASED ON PLAT OF
 IMAN ROCK CREEK TRACTS.

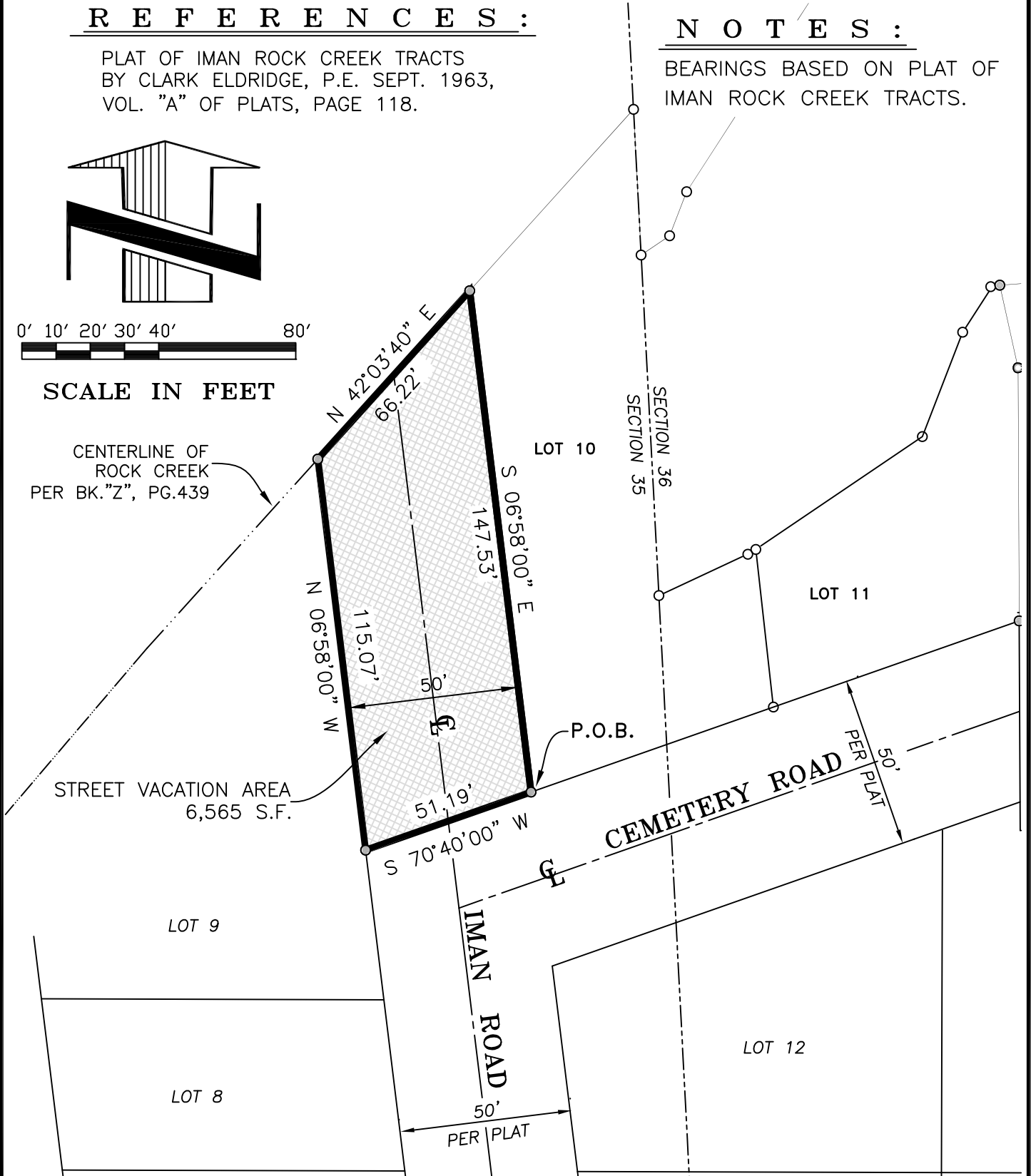


0' 10' 20' 30' 40' 80'

SCALE IN FEET

CENTERLINE OF
 ROCK CREEK
 PER BK."Z", PG.439

STREET VACATION AREA
 6,565 S.F.



Survey T.E.C.	Calc. B.B.B.	App. B.B.B.	Dwg. No. 15901.EX.DWG	Work Order No. 15901	Drawn S.D.H.	Date 11/10/2020	Scale 1"=40'	Sheet 1 of 1
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TENNESON ENGINEERING CORP.
 CONSULTING ENGINEERS
 3775 CRATES WAY
 THE DALLES, OREGON 97058
 PH. 541-296-9177 FAX 541-296-6657

EXHIBIT MAP OF STREET VACATION
 FOR PAT AND JERRY DOBLIE
 IMAN ROCK CREEK TRACTS
 IN SECTION 35, TOWNSHIP 3 N., RANGE 7 E. W.M.
 CITY OF STEVENSON, SKAMANIA COUNTY, WASHINGTON



City of Stevenson

Leana Kinley, City Administrator

Phone (509)427-5970
 FAX (509) 427-8202

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

To: City Council
 From: Leana Kinley, City Administrator
 RE: Iman Cemetery Rd. and No Name Rd. Vacations
 Meeting Date: March 18, 2021

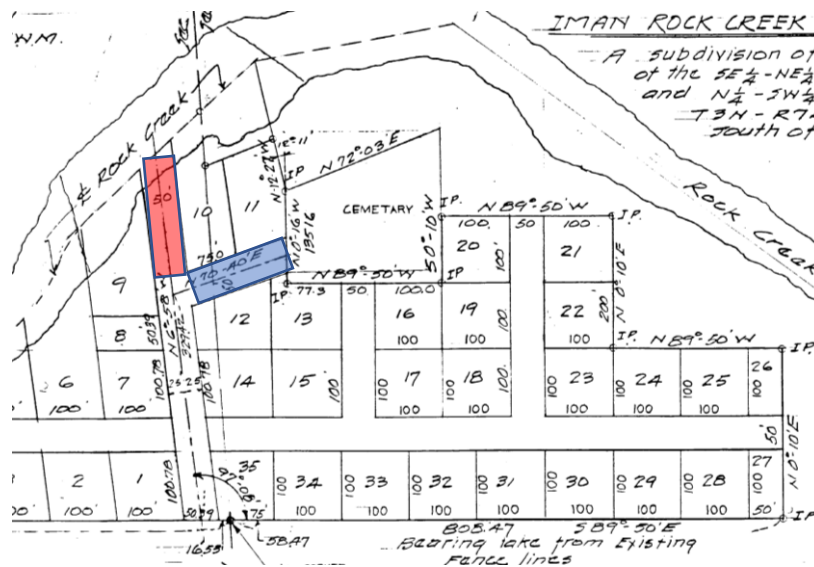
Executive Summary:

The City received two petitions for road vacations in the area near Iman Cemetery which are used to access Rock Creek via private property. Council held a public hearing on December 10th on the vacation of No Name Rd. where council directed the creation of the Rock Creek Access Committee to find solutions ahead of the summer. An additional public hearing is scheduled at the March 18th meeting.

There is a public hearing for vacating Iman Cemetery Rd scheduled at the March 18th meeting. There are specific requirements for vacating a right of way that abuts a body of water, which council needs to decide if this meets.

Overview:

- October 16, 2020 the city received a petition to vacate No Name Rd. (blue section)
- November 23, 2020 the city received a petition to vacate Iman Cemetery Rd. (red section)
- December 10, 2020 public hearing on the vacation of No Name Rd.
- December 10, 2020 council held off setting a date for the Iman Cemetery Rd. public hearing.
- December 10, 2020 council established the Rock Creek Access Committee
- January 22, 2020 Rock Creek Access Committee met and discussed issues.
- February 18, 2021 council discussed the Rock Creek Access issues and set a date of March 18, 2021 for a public hearing for Iman Cemetery Rd. and No Name Rd.



The documents for the prior meetings and public hearings can be found online at <https://meetings.municode.com/PublishPage/index?cid=STEVWA&ppid=0c407be1-1c62-45e8-b64f-81816aee037c&p=-1>

During the public hearing for No Name Rd. the Skamania County Cemetery District requested the right of way not be vacated and be maintained to increase the allowable parking for funeral services, equipment, and other cemetery users. They are open to an agreement between the city and the district to maintain the right of way including signage, gravel, and landscaping (weed eating, mowing, etc.).

The Iman Cemetery Rd. vacation request is different from the No Name Rd. request as it abuts a body of water and has to follow RCW 35.79.035-Limitations on vacations of streets abutting bodies of water – Procedure. The full language of the code is attached to this memo.

The Iman Cemetery Rd. right of way currently aligns with the city’s Comprehensive Plan in several ways as outlined below.

Goal 4-Downtown and Waterfront

- Objective 4A.3 – Manage lands abutting the Columbia River and Rock Creek for the benefit of the community.
 - Tactic 4A.3-2 Review development proposals located on or near banks and floodway of the River and creeks to maintain the recreation and open space potential while promoting healthy and visually attractive environments.

Goal 9 – Parks and Recreation

- Objective 9.2 – Preserve open space and recreational resources.
- Objective 9.7 – Develop a balanced system of recreation facilities, lands and programs that meets the recreation needs of residents and visitors alike.
 - Tactic 9.7.1 Develop small parcels of land resulting from urbanization as mini-parks or landscaped areas.

The Planning Commission will discuss this at their March 15th meeting and may provide additional comment.

The Rock Creek Access Committee suggests these right of way vacations be treated separately from the Rock Creek access issues.

Action Needed:

Decide whether to move forward with vacating No Name Rd.

If No Name Rd. is vacated:

- Decide how lot 11 is accessed as outlined in the Dec. 10th staff memo from Ben Shumaker.
 - Require a lot line elimination between lots 10 and 11.
 - Record an easement across lot 10 for the benefit of lot 11.
 - Record a covenant requiring an easement prior to sale of lot 11.
- Decide how the property is divided.
 - Split the area between two property owners, Patricia Doblje and Susan and Larry Krug.

- Split the area equally between all three property owners abutting the street (Patricia Doblle, Susan and Larry Krug, and the Cemetery District)
- Decide how to address emergency access turn around.
 - Move forward with retaining area as outlined in attached map for fire apparatus turn around.
 - Move forward with other option.

If No Name Rd. is not vacated:

- Decide whether to re-establish the city Right of Way.
 - If yes, how far do we go re-establish the ROW.
 - Only trim brush encroaching the right of way.
 - Remove fence encroaching the right of way.
 - Remove retaining wall/all structures encroaching the right of way.
- Decide whether signs need to be installed restricting parking to cemetery use only.
 - If yes, an ordinance will be presented at the next meeting.
 - If no, are there other parking changes to make.

Decide whether to move forward with vacating Iman Cemetery Rd.

If moving forward with Iman Cemetery Rd. vacation:

- Decide whether to contract out for the study as required by RCW 35.79.035(2)(b)

If not moving forward with Iman Cemetery Rd. vacation:

- Decide whether or not to make any changes to the infrastructure within the right or way such as increased signage, fencing, benches, etc.

RCW 35.79.035

Limitations on vacations of streets abutting bodies of water—Procedure.

(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:

(a) Compile an inventory of all rights-of-way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

(d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.

(3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

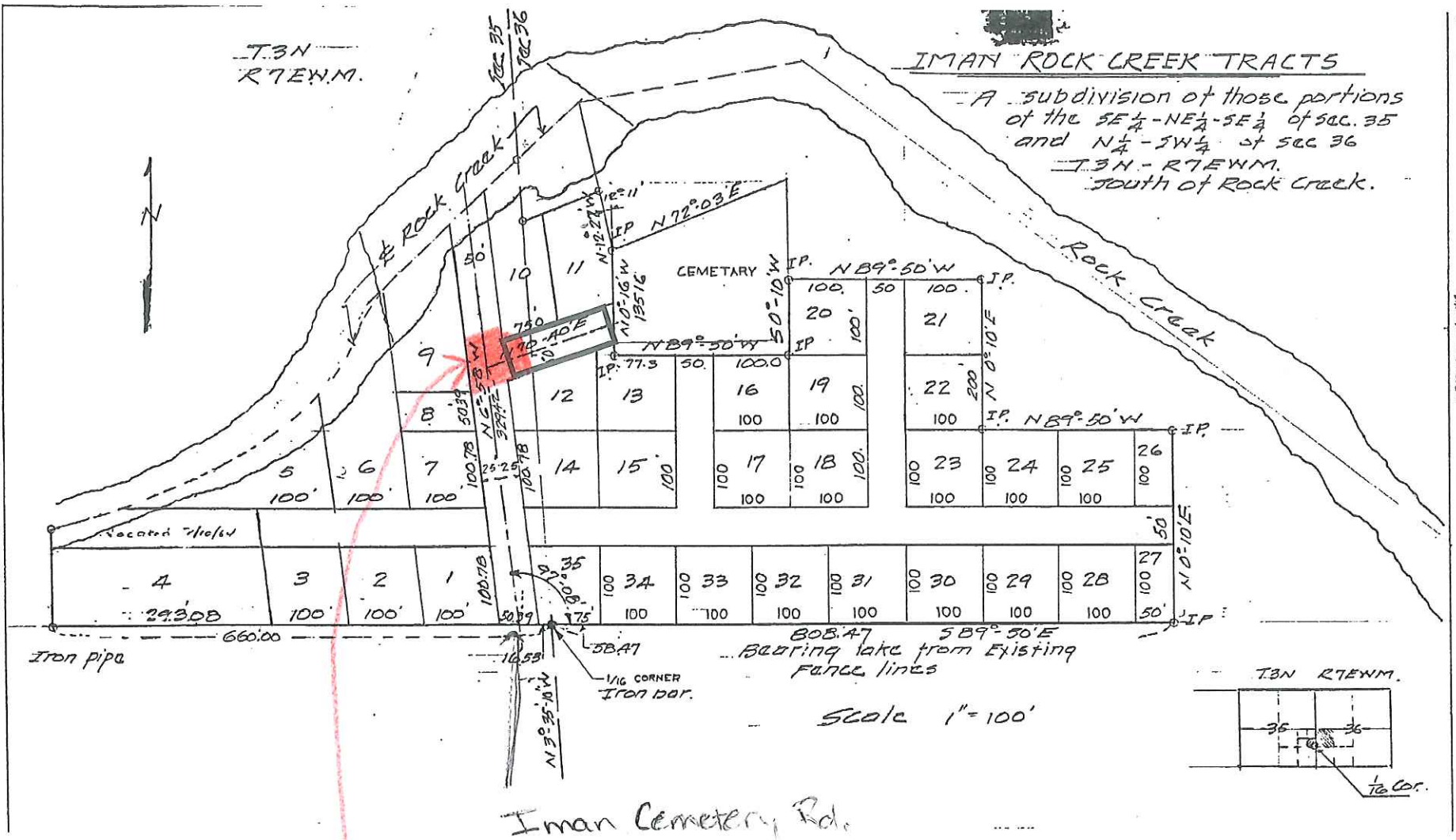
[1987 c 228 § 2.]

NO PARTIAL TRACTS

T.3N
R.7E W.M.

IMAN ROCK CREEK TRACTS

A subdivision of those portions
of the SE 1/4 - NE 1/4 - SE 1/4 of sec. 35
and NE 1/4 - SW 1/4 of sec. 36
T.3N - R.7E W.M.
south of Rock Creek.



**FIRE APP. NEEDED
TURN AROUND**