Brief Description of Proposed Amendment: The City of Vancouver (City) has submitted a comprehensive update to their Shoreline Master Program (SMP) for review and approval by the Department of Ecology (Ecology). This submittal is required to comply with the Shoreline Management Act (SMA) and the SMP Guidelines requirements (RCW 90.58 and WAC 173-26 (Part III) respectively). The updated master program contains locally tailored shoreline management policies, regulations, shoreline designation maps, administrative provisions and critical area provisions which are embedded in the SMP in Chapter 5A. Additional reports and supporting information and analyses are included in the submittal and noted below.

FINDINGS OF FACT

Need for amendment: The proposed amendment would replace the City’s existing SMP in its entirety. The amendment is needed to comply with the statutory deadline for a comprehensive update of the City’s local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 (State master program approval/amendment procedures and master program guidelines) and WAC 173-27 (Shoreline management permit and enforcement procedures). The City’s SMP was originally approved by Ecology in 1975, comprehensively updated in 1997 and last amended in 2007.

Section 1.3 of the submitted SMP describes the purpose of the Program:

1. To guide the future development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;

2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City’s shorelines; and

3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the … policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state....
Ecology finds that the City has documented the need to amend and update its shoreline master program.

**Documentation of current conditions:** Seven cities (Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal and Yacolt) and Clark County collaborated as a group (Clark County Coalition) in obtaining grant funding and developing shared documents including a comprehensive Clark County Shoreline Inventory & Characterization. The information was organized around the two major watersheds: WRIA 27 Lewis River and WRIA 28 Salmon Creek. This is presented in two volumes, with Volume 1 addressing the county as a whole and Volume 2 containing chapters focused on the urban areas. Vol. 2, Chapter 5 contains information on the City of Vancouver’s shorelines, including those in the City’s UGA.

Vancouver’s SMP will regulate activities along ten shorelines: Columbia River, Vancouver Lake, Burnt Bridge Creek, Salmon Creek, Mill Creek, Curtin Creek, Lake River, Fifth Plain Creek, Lacamas Creek and Unnamed Lake 02 (which is located between the Columbia River and Vancouver Lake in the Vancouver lowlands). Within Vancouver, the Columbia River shoreline includes portions of downtown and the Port of Vancouver along with two interstate bridge crossings (I-5 and I-205) and the Burlington Northern Santa Fe railroad bridge along the main north-south route. Most of the other shorelines are characterized by residential and commercial development, transportation facilities and open space. Significant trail systems already exist along portions of the Columbia River, Burnt Bridge and Salmon creeks. Archeological and cultural resources are widely distributed throughout the county.

All of these waterbodies (except Unnamed Lake 02) are in highly urbanized settings within the city limits. Shoreline modifications include channel realignment, dredging, filling, dikes, hardened banks and high levels of impervious surface resulting in increased stormwater flows. In many areas the floodplain has been disconnected from the stream, riparian vegetation has been greatly reduced, and there are significant water quality impairments including temperature, flow, dissolved oxygen, bacteria, nutrients and toxics among others.

Ecology finds that the June 2010 Clark County Shoreline Inventory & Characterization, Volume 1 and Volume 2, Chapter 5 adequately inventory and analyze the current conditions of the shorelines located in the City. These documents synthesize existing information and were used to inform the master program update as well as provide a basis for future protection and restoration opportunities in the City’s shoreline jurisdiction. The reports appear to be consistent with the Shoreline Guideline requirements in WAC 173-26-201(3)(c) and (d).

**Shoreline Use Analysis:** As part of the Coalition’s development of the Shoreline Inventory and Characterization Report (ESA Adolfson, 2010), data was collected to address the SMP Guideline requirements\(^1\) to project shoreline development trends and identify potential use conflicts to ensure preference is given to uses that are unique to or dependent upon a shoreline location. The County-wide analysis is contained in Volume 1, Chapter 4.

A separate report, “Assessment of Water-dependent Commercial, Industrial, and Recreational Uses for Clark County Coalition SMP Update” (BST Associates, May 2010), contained in Appendix D to Volume 1, was also developed. This report primarily focused on the Columbia River (which is where the majority of these uses are located) and inventoried existing commercial, industrial and recreational

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\(^1\) WAC 173-26-201 (3) (d) (ii) and WAC 173-26-201 (2) (d)
water-dependent uses. Estimates were made of the amount of utilized, vacant and under-utilized waterfront land and BST Associates provided a demand estimate which forecasts future demand for cargo terminals, water-dependent industry and boating access (e.g. marina moorage and boat ramps).

Regionally (including Portland and other lower Columbia ports) marine terminal facilities appear adequate to meet demand over the next 20 years in all cargo areas except autos. There does appear to be a significant need for additional marina space but it was not possible, due to lack of data, to determine the need for boat ramps and transient moorage space. Potential use conflicts are also identified in the report.

Volume 2, Chapter 5 of the Inventory & Characterization more specifically describes existing and potential uses in the City and identifies opportunities for potential restoration and public access.

Ecology finds that Vancouver has appropriately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201(3)(d)(ii) and WAC 173-26-201(2)(d). The SMP includes provisions that prioritize preferred uses.

**SMP provisions to be changed by the amendment as proposed:** This comprehensive SMP update is intended to entirely replace the City’s existing SMP and will regulate approximately 38 linear miles of streams and 20 miles of lake shorelines along ten waterbodies including two (Columbia River and Vancouver Lake) which are shorelines of statewide significance. Currently there are approximately 26 shoreline miles within the city limits and 32 miles in the city’s UGA for a total of 58 miles of shoreline.

**Shoreline Jurisdiction:** The City proposes to use minimum shoreline jurisdiction along approximately 8 miles of its Columbia River frontage stretching from Wintler Park on the upstream end to the Port of Vancouver’s Parcel 3 on the downstream end. This area is largely designated High Intensity and zoned Industrial and Commercial Mixed Use and encompasses the City’s Columbia River Shoreline Enhancement District (located between Wintler Park and the BNSF railroad bridge). The shoreline enhancement district was developed through the City’s comprehensive planning process and envisions an area of high-intensity, mixed-use development (hotels, restaurants, offices, retail uses and multi-family residences) with a strong public access component. (Vancouver SMP (VSMP) 1.7 and 2.1)

Shoreline jurisdiction on the remainder of the City’s shorelines will be the maximum under RCW 90.58.030(2)(d)(i), including the full extent of the 100-year floodplain (as mapped on the approved Flood Insurance Rate Maps (WAC 173-22-030). In addition, the City proposes to include land necessary for buffers for critical areas (RCW 90.58.020(2)(d)(ii)). (VSMP 2.1, 4.3 and 4.4)

Ecology finds that the SMP does not specifically list the ten shoreline waterbodies that will be regulated. Per WAC 173-20-044 and WAC 173-18-044, “each local government master program shall include a list...constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030(2)(d). When such master program is approved by the department...the list within the master program shall be the official list for that jurisdiction and shall supersede” the lists in WACs 173-18 and 20.

In addition, the City has received new digital Flood Insurance Rate Maps (dFIRMS) from the Federal Emergency Management Agency (FEMA) that have adjusted the extent of the 100-year floodplain in some areas.
Assuming the City’s acceptance of the required changes in Attachment B, Ecology finds that the Vancouver SMP has appropriately defined shoreline jurisdictional limits consistent with the Act.

Shorelines of Statewide Significance (SSWS): RCW 90.58.020 specifically calls out SSWS for special consideration declaring the “the interest of all of the people shall be paramount in the management” of these shorelines. Vancouver has identified the Columbia River and Vancouver Lake as shorelines of statewide significance (VSMP 3.2).

The Shoreline Guidelines in WAC 173-26-251 requires that local master programs recognize the specific use preferences identified in the statute and provide for “optimum implementation” of the statutory policy. This is done by providing SMP provisions that implement: (a) statewide interest, (b) preserve resources for future generations and (c) give preference to uses identified in RCW 90.58.020.

Ecology finds that the SMP has identified shorelines of statewide significance, includes policies for management of these shorelines in Section 3.2 consistent with RCW 90.58.020, and includes provisions in the regulations aimed at implementing these policies. Consistent with WAC 173-26-251, the Coalition Inventory & Characterization (ESA, June 2010) identified high quality ecological resources including wetlands and anadromous fish runs, and other resources of statewide interest such as archaeological and cultural resources, existing and potential public access, and the presence of and future need for international shipping facilities. The Restoration Plan (ESA, June 2011) identifies both programmatic and site-specific restoration opportunities, and Vancouver’s SMP prioritizes restoration actions along degraded shorelines of statewide significance.

Shoreline Master Program Goals and Policies: The goals and policies contained in Chapter 3 of this SMP are consistent with all the Coalition SMPs and address the elements outlined in RCW 90.58.100 General policy goals of the act and WAC 173-26-176 Guidelines for shorelines of the state.

Ecology finds that the City has addressed the requirement to include various elements in the SMP and to establish policies per RCW 90.58.100(2) and WAC 173-26-201(2)(e).

Shoreline Designations: Assignment of shoreline environment designations is a fundamental aspect of the SMP update. Shoreline designations (the Coalition-preferred term in place of shoreline environment designations) were developed and analyzed county-wide. Designations were assigned based on ecological functions, existing and planned development patterns and on the community’s vision for the future. The process the Coalition went through is documented in the Clark County Coalition Shoreline Designation Rationale (ESA, June 2011). The following excerpt provides a brief description comparing the existing and proposed designations:

Proposed shoreline designations developed by the Clark County Coalition are aggregated and shown in Table 1 below. Most shorelines in Clark County are proposed to be designated Rural Conservancy – Resource Land, followed by Rural Conservancy – Residential, and Urban Conservancy.

<table>
<thead>
<tr>
<th>Proposed Shoreline Designations</th>
<th>Percent (%) of County Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural</td>
<td>9</td>
</tr>
</tbody>
</table>

Table 1. Proposed Shoreline Designations
Existing shoreline designations for Clark County, including all incorporated cities, are summarized as shown in Table 2 below. Currently, the majority of the shorelines (80 percent) of Clark County are designated as Conservancy or Rural Environments. Less than one percent of the shorelines are designated as Natural.

**Table 2. Existing Shoreline Designations**

<table>
<thead>
<tr>
<th>Existing SED’s</th>
<th>Percent (%) Of County Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural</td>
<td>0.4</td>
</tr>
<tr>
<td>Conservancy</td>
<td>40</td>
</tr>
<tr>
<td>Rural</td>
<td>39</td>
</tr>
<tr>
<td>Urban Natural</td>
<td>0.5</td>
</tr>
<tr>
<td>Urban Conservancy</td>
<td>10</td>
</tr>
<tr>
<td>Urban (including Urban High, Medium and Low Intensity)</td>
<td>11</td>
</tr>
</tbody>
</table>

The existing and proposed designations are similar in their classification criteria, management objectives, policies and regulations:
- The proposed Natural designation is similar to the existing Natural and Urban Natural designations.
- The proposed Rural Conservancy – Residential designation is similar to the existing Rural designation.
- Rural Conservancy – Resource Land designation is similar to the existing Conservancy designation.
- Urban Conservancy has not changed from existing to proposed.
- Medium Intensity and High Intensity proposed designations are similar to the existing Urban designation.

Vancouver currently uses six (6) designations in its SMP: Urban Natural, Urban Conservancy, Urban High Intensity, Urban Medium Intensity, Urban Low Intensity and Aquatic.

In the locally adopted SMP (Chapter 4), there are five (5) proposed designations: Natural, Urban Conservancy, Medium Intensity, High Intensity and Aquatic. Medium Intensity, while similar to the Guidelines-recommended Shoreline Residential, is proposed for those areas that are primarily residential but may also allow other types of development consistent with the SMP.
As allowed by WAC 173-26-150, the City is pre-designating shorelines within its adopted Urban Growth Area (UGA). Designations in the UGAs were developed consistent with those within the City limits. Until annexed by Vancouver, these areas will be regulated by the Clark County SMP.

Ecology finds that the process of evaluation used to assign shoreline designations in the City and in the Urban Growth Areas was appropriately conducted. Ecology also finds that each shoreline designation in the SMP has a clearly stated purpose, designation criteria and policies and is adequately mapped on the Official Shoreline Designation Map (City of Vancouver (West) and City of Vancouver (East)). The designations and pre-designations provide a suitable framework for implementing shoreline policies and regulatory measures. Designation-specific regulations (see Use Table 6-1 and Chapter 6) have been developed that account for different shoreline conditions and assure implementation of the purpose of each environment designation and other policy goals of the SMA, and ensure protection of existing shoreline ecological functions.

General Master Program Provisions: Chapter 5 of the SMP includes policies and regulations that address critical areas (discussed separately below), archaeological and historic resources, public access, vegetation conservation and water quality, storm water and nonpoint pollution. In addition, policies and regulations focused on restoration, site planning and development, and views and aesthetics are included.

Ecology finds that the City has appropriately included all the required general provisions in Chapter 5 of the proposed SMP consistent with WAC 173-26-221.

Critical Area Provisions: The City has chosen to directly embed their critical area regulations in the SMP as Chapter 5A. These provisions address the following critical areas: wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas and frequently flooded areas.

Those elements inconsistent with the SMA and WAC 173-26 Shoreline Guidelines have been deleted including specific exemptions in Section 20.740.030(B), and activities allowed without a permit in Section 20.740.030(C); minor exceptions in Section 20.740.070 and Reasonable Use Exceptions in Section 20.740.080, both of which can be authorized through a shoreline variance permit. Additional changes, in response to requirements in WAC 173-26 include the addition of language in Section 20.740.120 Frequently Flooded Areas to address channel migration zones, and in Section 20.740.140 Wetlands in response to Ecology comments.

Vancouver addresses Critical Aquifer Recharge Areas (CARAs) in a separate code, Vancouver Municipal Code (VMC) 14.26, Water Resources Protection. This code combines regulations that address surface water and groundwater protections and won an Environmental Excellence Award for innovation from Ecology in 2003. The purpose of the Water Resources Protection ordinance is described as adopting “ordinances and other enforceable mechanisms required for compliance with the most current version of the City of Vancouver’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management.”

CARAs are addressed in the SMP through the prohibition of specific uses and activities (see Section 2.4 Prohibited Uses), a general regulation requiring compliance with VMC 14.26 Water Resources Protection (Section 5.3, Regulation 1.1); regulations in Section 5.9 Water Quality and Quantity and
under specific use categories in Chapter 6, Specific Shoreline Use Regulations. The Shoreline Guidelines contain no specific standards regarding critical aquifer recharge areas so the provisions of WAC 365-190-080 are applicable to the extent that they are consistent with the guidelines (WAC 173-26-221(2)(a)).

Flood Hazard Areas: The City recently (March 5, 2012) received their final digital Flood Insurance Rate Maps (dFIRMs) from the Federal Emergency Management Agency (FEMA). In anticipation of this effort, the Coalition used the preliminary dFIRMs for planning purposes and the information is reflected in the maps developed in the Inventory and Characterization.

Along with the new maps, FEMA is requiring the City to update their Flood Hazard Ordinance in order to remain in good standing in the flood insurance program.

The City has requested that Ecology incorporate the new dFIRMs and revised Flood Hazard Ordinance into the SMP. These proposed changes are set forth in Attachment C – Recommended Changes. The proposed changes are recommended changes because they are being made in response to FEMA requirements. However, by incorporating them now, the City will ensure consistent regulations across all flood hazard areas both inside and outside shoreline jurisdiction. In addition, the City will avoid the need for an immediate amendment to their SMP.

Ecology finds that the City has adequately defined and protected critical areas, including critical aquifer recharge areas, as defined in WAC 173-26-221(2), that the level of protection is at least equal to that provided by Vancouver’s critical area regulations (RCW 90.58.090(4)), and that no net loss of shoreline ecological functions should be assured (RCW 36.70A.480(4)).

Shoreline Modifications: WAC 173-26-231(1) distinguishes shoreline modifications from shoreline uses by describing them as those actions “undertaken in support of or in preparation for a shoreline use.” The Guidelines further describe them as follows: “Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal.” As a general principle, WAC 173-26-231(2)(b) states that Master Programs shall “reduce the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in number and extent.” (WAC 173-26-231(2)(b)). This principle reinforces the mitigation sequence (WAC 173-26-201(2)(e)) and no net loss (WAC 173-26-186(8)) requirements of the SMP Guidelines.

The City’s Shoreline Inventory & Characterization Report, Volumes 1 and 2 (ESA, June 2010) documents extensive modifications including levees, bridges, marinas, fill, routine dredging and significant port facilities along the Columbia River. Most of the other waterbodies show impacts from increasing urbanization resulting in loss of riparian vegetation, channelization, disconnection of associated floodplains, fish passage barriers (often culverts), dredging and fill.

Vancouver’s SMP limits modifications to those “where it can be demonstrated that the proposed activities are necessary to support or protect an allowed use or structure…’’ and only “when impacts are avoided, minimized, and mitigated to ensure no net loss” (see VSMP 5.1 and 6.4).

The SMP requires all permits be in hand before any land altering activities take place such as clearing, grading, filling and excavation (VSMP 5.1(6)).
The City’s critical area ordinance protecting fish and wildlife habitat areas has provisions establishing riparian management areas and buffers along all shoreline streams, rivers and lakes. Riparian management areas (RMA) include those areas within 100’ from the OHWM with an additional 75’ landward provided as a riparian buffer (RB) of 75’ (total of 175’ from the OHWM, see Figure 20.740.110-1 in Chapter 5A). Development and clearing within the RMA is limited to water-oriented uses where there are no feasible alternatives and to roads and utilities that can’t feasibly be located outside the RMA. RMA widths can be modified up to 25% if the square footage is not reduced and there is no net loss of functions. The riparian buffer can be impacted if impacts are mitigated and there is no net loss of riparian habitat functions. The VSMP also defines setbacks which vary depending on the shoreline use proposed (Table 6-1). Vegetation conservation provisions require the retention of existing native riparian vegetation unless it cannot be avoided, and then removal must be minimized and impacts mitigated to ensure no net loss.

Fill waterward of the Ordinary High Water Mark is only allowed in limited instances by Conditional Use Permit (VSMP 5.6.2(11)), new dredging is limited, and shoreline uses and developments must be located and designed to avoid the need for shoreline stabilization at the time of development and into the future (VSMP 5.1(5)). Shoreline stabilization for new residential development is prohibited, and for other types of development, it is limited unless need can be shown. The preference, when stabilization is shown to be needed is for softer techniques and minimization of the size and extent of new structures (VSMP 6.4.5).

The SMP also proposes to limit new residential piers and docks to joint-use facilities and community docks and establishes dimensional and/or performance standards that limit piers and docks to the minimal necessary. Single-use docks are prohibited as is covered moorage associated with residential development. Commercial covered moorage is limited to areas where boat construction or repair work is the primary activity and overwater covered work areas are minimized (VSMP 6.3.3.4).

Ecology finds that the City has adequately considered and addressed shoreline modifications as required in the WAC 173-26-231. The SMP limits clearing, grading and fill to that necessary when in conjunction with an allowed use, requires that shoreline stabilization proposals show need and limits the amount of overwater coverage by restricting piers and docks and limiting covered moorage. Provisions in the SMP are crafted to reduce the adverse effects of shoreline modifications and as much as possible to limit the number and extent. Shoreline modification policies and standards are appropriate to the environment designation in which they are proposed, and preference is given to modifications that have a lesser impacts to ecological function.

Shoreline Uses: WAC 173-26-241 outlines specific common uses and types of development that can occur within shoreline jurisdiction. SMPs are to establish a system of use regulations and shoreline designation provisions that give preference to water-oriented uses or to uses that are consistent with the control of pollution and prevention of damage to the natural environment (WAC 173-26-201(2)(d) and 173-26-211). SMPs should also ensure provisions implement the policies of the SMA while protecting property rights, reduce use conflicts and assure no net loss of shoreline ecological functions.

The Vancouver SMP addresses all the uses set forth in WAC 173-26. Table 6-1 identifies the allowed and conditional uses by shoreline designation and specifies setback and height standards where appropriate. Use-specific regulations are set forth in each section. In particular, the following are explicitly prohibited: speculative fill, parking as a primary use, and residential development
waterward of the OHWM (see VSMP Sections 2.4 Prohibited Uses, 5.6.2 Clearing, Grading, Fill and Excavation, 6.3.9 Parking and 6.3.11 Residential Development). The SMP includes a preference for water-dependent uses (VSMP Section 5.1, 6.3.4 Commercial Uses and 6.3.6 Industrial Uses).

Consistent with RCW 90.58.065, specific agriculture definitions need to be added or referenced.

Ecology finds that with required changes regarding agriculture shown in Attachment B, the Vancouver SMP adequately identifies uses common along the City’s shorelines, establishes a clear preference for water-oriented uses, accommodates water dependent uses, and clearly shows by shoreline designation, where certain uses are allowed, conditionally allowed and prohibited (see VSMP Table 6-1).

Cumulative Impacts Analysis: Listed as a Governing Principle of the SMP Guidelines, WAC 173-26-186 (8)(d) states “Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the Act.” To ensure this, SMPs shall contain policies, programs and regulations that address adverse cumulative impacts, including those resulting from exempt development, and fairly allocate the burden of addressing cumulative impacts among development opportunities.

An initial Cumulative Impacts Analysis (CIA) report was developed to assess the March 2011 Coalition Draft SMP. This report took a county-wide look at possible cumulative impacts of “reasonably foreseeable future development” under the policies and regulations of the draft SMP by assessing existing conditions of Clark County shorelines, as documented in the Inventory & Characterization report as well as accounting for beneficial effects of other established regulatory programs. At the time, critical area provisions were not included in the Coalition draft SMP, and the report made clear that “a few issues must be addressed before finding that the Coalition Draft SMP will maintain existing shoreline functions: 1) the functional relationship between critical areas buffers and setbacks in shoreline jurisdiction; 2) consistency between proposed shoreline designations and the findings of the Inventory & Characterization Report in a few instances; and (3) refinement of shoreline use and modification standards in a few instances.” (ESA, May 2011)

In June 2011, a complete draft SMP was issued for Vancouver. This was accompanied by a Coalition Draft CIA (ESA, June 2011), a Vancouver-specific Draft CIA (ESA, June 2011) and a No Net Loss Summary memorandum (ESA, June 2011). These documents acknowledged revisions made in response to the earlier draft CIA. These revisions included designation changes that were more protective and adjusting structure setbacks, particularly in the Urban Conservancy designation. The June 2011 reports still found the potential for cumulative impacts and net loss of shoreline ecological functions and recommended the City address the following:

- Prioritizing restoration opportunities along Shorelines of Statewide Significance;
- Increasing recreational setback of 20 feet in the Urban Conservancy and Natural shoreline designations to reduce interruption of hydrologic and habitat functions;
- Limiting single-use piers and docks;
- Commitment to permit review and enforcement of activities in compliance with the goals, policies, and regulations of the SMP when exempt from shoreline permits; and
- Prioritization and commitment to programs and projects identified in the Coalition Shoreline Restoration Plan focused on restoring degraded habitat on a citywide basis.
The December 28, 2011 No Net Loss Summary (ESA) documents how the City responded to these recommendations in their locally adopted SMP:

- Policies were added prioritizing restoration projects on shorelines of statewide significance. In addition, restoration of degraded shorelines is also prioritized and the SMP recognizes projects identified in the Clark County Coalition Restoration Plan (ESA, June 2011).
- Recreational setbacks were increased to 50 feet for water-related and water-enjoyment uses and trails in the Natural designation were limited to less intensive designs.
- Single-use piers and docks are prohibited.
- Language was added clarifying that exempt development requires review and mitigation measures may be required for these activities.

Ecology finds that Vancouver has evaluated the cumulative impacts of reasonably foreseeable future development over the next 20 years. To assure no net loss, the City has adjusted the policies and regulations of the SMP to address the potential for net loss of shoreline ecological functions as identified in the draft CIA reports. The locally adopted SMP appears to fairly allocate the burden of addressing cumulative impacts among development opportunities. Ecology finds that the City’s SMP and supporting Cumulative Impact Analysis are consistent with the SMP Guidelines governing principle (WAC 173-26-186(8)) as well as the legislative intent of the Shoreline Management Act under RCW 90.58.

Restoration Plan: Local SMPs are required to include goals, policies and actions for restoration of impaired shoreline ecological functions (WAC 173-26-201(2)(f); WAC 173-26-186(8)(c)). Over time, the goal is for these provisions, when implemented, is to improve the overall condition of habitat and resources within the shoreline area of each city and county (WAC 173-26-201(2)(c)).

The City’s SMP includes both policies in Chapter 3 and regulations in both Chapters 5 and 6 that permit and promote restoration efforts along all City shorelines and explicitly link restoration actions to the priorities and projects in the Clark County Coalition Shoreline Restoration Plan (ESA, June 2011). In addition, the VSMP specifically prioritizes restoration projects along the Columbia River and Vancouver Lake, both shorelines of statewide significance, over projects on other shorelines.

Vancouver, in coordination with the other members of the Clark County Coalition, developed a restoration plan based on the information gathered in the Inventory and Characterization (ESA, 2010). The Final Shoreline Restoration Plan (ESA, June 2011) identifies specific and programmatic restoration opportunities and actions for each watershed and waterbody. Table 2-1 of the Plan identifies suggested restoration goals, objectives, actions and success measures and Chapter 4 focuses on restoration priorities and Chapter 5, along with Appendices C and D identify restoration actions. Existing programs, partners, general timelines and benchmarks and monitoring and adaptive management strategies are also discussed in the document.

Ecology finds that the Final Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update. The Final Restoration Plan can serve as an effective tool for the City, non-profit organizations and the public to collectively improve shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP Guidelines (WAC 173-26-186; WAC 173-26-201)).
Amendment History and Review Process:

**Amendment History:** Vancouver initiated a comprehensive update to their SMP as part of a collective effort with Clark County and six (6) other municipalities (the cities of Battle Ground, Camas, La Center, Ridgefield, Washougal, and the Town of Yacolt). The eight jurisdictions (Coalition) began coordinating through an Interlocal Agreement signed in May 2009. The County and cities pooled their grant resources (approximately $1.17 million) and work began in September 2009 consistent with a scope of work described in *SMA Grant No. G1000058*. The grant was managed on behalf of the entire Coalition by the City of Vancouver.

As a group, the Coalition agreed to be as consistent as possible in goals and policies across all updated SMPs, formed a Project Management Team (PMT) to guide the process consisting of representatives of all the jurisdictions, and hired a single consultant (ESA, formerly ESA Adolfson). The Coalition worked closely through June 2011 developing documents and implementing a public outreach effort on a county-wide basis. Two committees were formed: a Shoreline Stakeholders Advisory Committee (SSAC) and a Technical Advisory Committee (TAC). In addition, an Independent Science Review Panel (ISRP) was used to review the application of scientific information throughout the process. A County-wide draft *Shoreline Inventory and Characterization* was issued in April 2010. Ecology provided written comments in a brief memo and via comment matrices in April and May 2010. A revised *Shoreline Inventory and Characterization, Volumes I & 2* was issued June 2010.

Other documents produced as a Coalition include: *Shoreline Management Strategy, Public Participation Plan, Clark County Shoreline Restoration Plan* and a *Shoreline Designation Rationale*. The Coalition also produced an early draft master program in March 2011 which received extensive public comment and review including comments from Ecology. Subsequent drafts for each jurisdiction were produced in June 2011 for individual local adoption processes.

**Public Participation:** The Public Participation Plan updated quarterly, documents all public participation efforts proposed and carried out. As a Coalition, the initial three phases of the update process included workshops for all elected officials and planning commissions. These workshops were held in October 2009, April-May 2010 and October-November 2010. Vancouver’s Planning Commission and/or City Council participated in 10 public workshops through May 2011. Coalition open houses were held in October 2009, March 2011 and August 2011. Visioning meetings were held March 2010.

**Shoreline Stakeholders Advisory Committee:** This committee included representatives with interests in ports, commercial and industrial businesses, residential development, environmental issues and shoreline property owners. A representative of the Cowlitz Tribe was also named. The SSAC held 22 meetings from October 2009 to June 2011 and focused on reviewing goals, policies, and regulations and shoreline designation maps. They met jointly with the TAC on a number of occasions and were invited to review the technical documents.

**Technical Advisory Committee:** This committee included representatives from local, state and federal resource agencies and included citizens with expertise. A representative of the Cowlitz Tribe was named on the committee. The TAC met 12 times from October 2009 to June 2011 and was tasked with reviewing the technical documents including the inventory and characterization, the restoration plan and the cumulative impacts analysis and no net loss report.
All workshops, open houses and meetings of the advisory committees were open to the public and advertised in the local papers. Mailings to shoreline property owners (>5000) and interested parties were sent out during each of five phases. Additional presentations were provided to interest groups and a Shorelines Forum was co-sponsored by the Building Industry Association of Clark County and the Clark County Association of Realtors.

Independent Science Review Panel: The ISRP consisted of five scientists with expertise in hydrology, hydrogeology, habitat, ecosystem function and stream ecology. This panel focused on reviewing the science used in the technical documents.

Project Website: A website hosted by the City of Vancouver was created that included the project schedule, draft documents and maps, meeting notices, contact information and an e-mail link to submit comments throughout the process.

Local Review Process: Beginning July 1, 2011 each Coalition jurisdiction began working independently on their local adoption process. The Project Management Team continued to meet on an as-needed basis but most jurisdictions focused on their own internal decision processes.

The City indicates the proposed comprehensive SMP amendment originated from a local planning process (as part of the Clark County Coalition) that began in July 2009. The record shows that the Vancouver Planning Commission held a public workshop September 27, 2011, and a public hearing was held on October 25, 2011. Notice of this hearing was published in The Columbian on October 14, 2011. The record indicates City Council heard first reading of the ordinance on November 14, 2011 and held one hearing and second reading on November 21, 2011. The affidavit of publication provided in the record indicates notice of this hearing was published on November 17, 2011.

With passage of Ordinance # M-3995, on November 21, 2011, the City Council authorized staff to forward the proposed SMP to Ecology for approval.

Ecology finds the record submitted adequately documents compliance with WAC 173-26-100 and 110.

State Review Process: The proposed SMP amendments were received by Ecology for state review on January 3, 2012 and verified as complete January 23, 2012. Notice of the state comment period was distributed to state task force members, potentially interested tribes, and interested parties identified by the Coalition and the City on February 21, 2012, in compliance with the requirements of WAC 173-26-120. The state comment period began on February 27, 2012 and continued through March 28, 2012. Notice was posted on the Ecology website for shoreline master programs: Shoreline Master Programs (SMP) | Vancouver Public Comment Requested | Washington State Department of Ecology [www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/vancouver.html](http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/vancouver.html) and on Ecology’s Public Involvement Calendar. Vancouver also placed a link to the Ecology website on the Coalition website. Ecology staff determined a public hearing was not necessary.

A total of two individuals and one state agency (Washington Department of Fish and Wildlife) submitted comments on the proposed amendments during the state comment period. Ecology sent all written comments it received to the City on March 29, 2012. On May 14, 2012, the City submitted its responses to issues raised during the state comment period to Ecology.
Summary of Issues Raised during the Ecology Public Review Process: Comments submitted generally focused on questions about the scope and application of the SMP and concerns about impacts to property values and property rights, particularly related to docks, covered moorage, lot coverage and view impairment. The complete record of the responsiveness summary, including Ecology’s responses to the issues raised during the comment period, are available as part of the SMP amendment process record in Attachment D.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of the SMP Submittal Checklist, which was completed by the City and provided with the submittal of the locally adopted SMP.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on September 6, 2011. Notice of the SEPA determination was published in The Columbian on September 6, 2011. Comments were accepted until September 20, 2011. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City and the Coalition in support of the SMP amendment:

These supporting documents include:

- Clark County Coalition Shoreline Management Strategy, June 2010
- Clark County Coalition Public Participation Plan, June 2011
- Clark County Shoreline Inventory and Characterization (draft) April 2010; June 2010
- Assessment of Water-dependent Commercial, Industrial, and Recreational Uses, May 2010
- Clark County Cumulative Impacts Analysis (draft) June 2011, December 2011
- Clark County No Net Loss Summary Memo, (draft) June 2011
- Vancouver Cumulative Impacts Analysis, December 2011
- Vancouver no Net Loss Summary Memo, December 2011
- Clark County Coalition Restoration Plan, (draft) October 2010, (Final) June 2011
- Clark County Coalition Shoreline Designation Rationale, June 2011

Summary of Issues identified by Ecology as Relevant to its Decision: Ecology identified two issues that are relevant to its decision related to agricultural uses and the listing of waterbodies subject to the provisions of the SMP.

Agriculture: The statute is clear that SMP provisions regulating agriculture must be consistent with RCW 90.58.065. This includes incorporating specific definitions related to this activity.
As described in Attachment B - Required Changes these definitions need to be added to the SMP.

Defining shoreline jurisdiction: Shoreline jurisdictional waterbodies must be explicitly listed and mapped in the SMP (WAC 173-22-050). WAC 173-20-044 and WAC 173-18-044 require that “each local government master program shall include a list…constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030(2)(d). When the master program is approved by Ecology the list within the master program will be the official list for that jurisdiction and will supersede the lists in WACs 173-18 and 20. Waterbodies have been adequately mapped but a listing of the shoreline waterbodies was not included in the SMP through an oversight.

The City proposes to use the maximum extent of the 100-year floodplain as defined by their adopted Flood Insurance Rate Maps. New maps issued by FEMA necessitate revisions to the City’s shoreline designation maps.

Attachment B - Required Changes lists those waterbodies that must be explicitly identified in the SMP and a requirement to update the shoreline designation maps consistent with the new dFIRMs.

Therefore, Ecology finds that the proposed SMP as approved by Vancouver under Ordinance No. M-3995 is not consistent with the applicable SMP Guideline requirements, as specifically identified within Attachment B - Required Changes. However, Ecology also finds that the SMP can be amended to ensure compliance with the SMP Guidelines through the City’s acceptance of the Required Changes listed in Attachment B.

Pursuant to WAC 173-26-120 Ecology has also identified “Recommended Changes” (Attachment C) to the SMP for consideration by the City. Most of the recommended changes are included at the request of the City.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s proposed comprehensive amendment to its SMP, subject to and including Ecology’s required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c).

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

Consistent with RCW 90.58.090(4), Ecology concludes that those SMP segments relating to critical areas within Shoreline Management Act jurisdiction provide a level of protection at least equal to that provided by the City’s existing critical areas ordinance.
Consistent with RCW 36.70A.480(4), Ecology concludes that those SMP provisions relating to critical areas within Shoreline Management Act jurisdiction assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

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

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

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

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

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

Ecology concludes that the City's comprehensive SMP update/amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

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

Ecology concludes that the City has chosen to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to extend shoreline jurisdiction to include buffer areas necessary to protect critical areas that occur within shorelines of the state.

**DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the Vancouver shoreline master program are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective fourteen (14) days from Ecology’s final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology’s original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP and proposed alternative/s is effective fourteen (14) days from Ecology’s final action approving the alternative/s.