



112 North Main Street  
Montesano, Washington 98563

[www.cityofmontesano.com](http://www.cityofmontesano.com)

TEL (360) 249-3021  
FAX (360) 249-3690

## **PUBLIC NOTICE SHORELINE MASTER PROGRAM (SMP) PERIODIC REVIEW**

NOTICE IS HEREBY GIVEN that the City of Montesano is proposing to update the City's adopted Shoreline Master Program. The City and the Washington Dept. of Ecology (Ecology) are accepting comments on a periodic review in accordance with RCW 90.58.080(4) and pursuant to the joint review process set forth in WAC 173-26-104. The city has prepared draft Shoreline Master Program (SMP) amendments to be consistent with state law, city plans, regulations, and other changed local circumstances. Proposed amendments to the SMP are limited to changes to the Shoreline Management Act and related rules, and some limited modifications to reflect changes to local circumstances. **Public comments will be accepted from September 19, 2022 to October 19, 2022.** Send comments to City staff contact Mike Olden (contact information provided below). Comments sent to the city will be forwarded to the Dept. of Ecology.

The proposal and related document are available for review on the following project website:

[https://www.ezview.wa.gov/site/alias\\_1788/34990/updates.aspx](https://www.ezview.wa.gov/site/alias_1788/34990/updates.aspx) (or <https://tinyurl.com/MontesanoSMP>)

NOTICE IS FURTHER GIVEN that Environmental Review (SEPA) is being conducted on the proposal and a Revised Determination of Non-significance (DNS) was issued on August 25, 2022. There is no comment period.

NOTICE IS FURTHER GIVEN that the Planning Commission and the Washington Dept. of Ecology (Ecology) will hold a joint public hearing on the proposal. **The hearing is scheduled for 6:00 p.m., Wednesday, September 21, 2022 at Montesano City Hall in the Council Chambers.**

If you have any questions about the proposed amendments, the SEPA determination, or public hearings, please contact the City Clerk's Office. The meeting packet, including the staff report will be available the Thursday preceding the meeting.

- The City's staff contact is Mike Olden, P.E. - Director of Public Works/Community Development, at 360-249-3939 or [molden@montesano.us](mailto:molden@montesano.us) (or mail to City Hall attn. Mike Olden)
- The City's consultant (technical) contact is Nicole Stickney, AICP at (509) 316-7131 or [nstickney@ahbl.com](mailto:nstickney@ahbl.com)
- The Ecology staff contact is Tess Brandon, AICP - Senior Shoreline Planner, at [tess.brandon@ecy.wa.gov](mailto:tess.brandon@ecy.wa.gov)
- Montesano City Hall is located at 112 North Main Street, Montesano, WA 98563 and the telephone number is (360) 249-3021



PO Box 269  
Aberdeen, WA 98520

State of Washington

# Affidavit of Publication

The undersigned being first duly sworn oath depose and says:  
The he/she is the Principal Clerk of The Daily World, which is a  
legal newspaper published in the city of Aberdeen, Grays Harbor  
County, Washington: of general circulation in said City, County,  
and State that the

City of Montesano

## PUBLIC NOTICE SHORELINE MASTER PROGRAM (SMP) PERIODIC REVIEW

NOTICE IS HEREBY GIVEN that the City of Montesano is proposing to update the City's adopted Shoreline Master Program. The City and the Washington Dept. of Ecology (Ecology) are accepting comments on a periodic review in accordance with RCW 90.58.080(4) and pursuant to the joint review process set forth in WAC 173-26-104. The city has prepared draft Shoreline Master Program (SMP) amendments to be consistent with state law, city plans, regulations, and other changed local circumstances. Proposed amendments to the SMP are limited to changes to the Shoreline Management Act and related rules, and some limited modifications to reflect changes to local circumstances. **Public comments will be accepted from September 19, 2022 to October 19, 2022.** Send comments to City staff contact Mike Olden (contact information provided below). Comments sent to the city be forwarded to the Dept. of Ecology.

The proposal and related document are available for review on the following project website:  
[https://www.ezview.wa.gov/site/alias\\_1788/34990/updates.aspx](https://www.ezview.wa.gov/site/alias_1788/34990/updates.aspx) (or  
<https://tinyurl.com/MontesanoSMP>)

NOTICE IS FURTHER GIVEN that the Planning Commission and the Washington Dept. of Ecology (Ecology) will hold a joint public hearing on the proposal. **The hearing is scheduled for 6:00 p.m., Wednesday, October 19th, 2022 at Montesano City Hall in the large meeting room on the 2nd floor.** (A previous notice listed a different joint public hearing date, but the joint hearing had to be rescheduled.)

If you have any questions please contact the City Clerk's Office. The meeting packet, including the staff report will be available the Thursday preceding the meeting.

The City's staff contact is Mike Olden, P.E. - Director of Public Works/Community Development, at 360-249-3939 or [molden@montesano.us](mailto:molden@montesano.us) (or mail to City Hall attn. Mike Olden)  
The City's consultant (technical) contact is Nicole Stickney, AICP at (509) 316-7131 or [nstickney@ahbl.com](mailto:nstickney@ahbl.com)  
The Ecology staff contact is Tess Brandon, AICP - Senior Shoreline Planner, at [tess.brandon@ecy.wa.gov](mailto:tess.brandon@ecy.wa.gov)  
Montesano City Hall is located at 112 North Main Street, Montesano, WA 98563 and the telephone number is (360) 249-3021  
Publish September 27, 2022. The Daily World 963511

attached is a printed copy, was published in said newspaper on the

27th day of September 2022

day of 2022

day of 2022

day of 2022

day of 2022

day of 2022

day of 2022

day of 2022

day of 2022

newspaper was generally circulated during all said time, and has  
ed for more than six months prior to the dates of the publication of  
document, and that the notice was published in the newspaper proper,  
applied form.

of fee charged for this publication is \$ 210.83

PO Number: \_\_\_\_\_

Principal Clerk: Kathryn Bratt

Subscribed and sworn to me this 28 day of September, 2022

Leslie Bebach  
Notary Public for the State of Washington Grays Harbor County





112 North Main Street  
Montesano, Washington 98563

www.montesano.us

TEL (360) 249-3021  
FAX (360) 249-3690

STATE ENVIRONMENTAL POLICY ACT  
DETERMINATION OF NONSIGNIFICANCE (DNS) - **REVISED**

**ACTION:** City of Montesano Shoreline Master Program (SMP) 2022 Update

**DESCRIPTION:** Under RCW 90.58.080(4), the City of Montesano has prepared draft Shoreline Master Program (SMP) amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances.

**LOCATION:** City of Montesano

**LEAD AGENCY:** City of Montesano

The City of Montesano has revised its SEPA threshold determination of NonSignificance issued on February 3, 2016 in consideration of the following changes: amendments to conform with new state laws, rules and applicable updated guidance; edits to improve readability, correct typographical errors, or update external references where applicable. Clarifications and corrections to definitions and administrative text (Section 7). Changes to the Shoreline Environmental Designations maps as coordinated with Ecology.

The City of Montesano has reaffirmed that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This determination is based on the following findings and conclusions: The proposed SMP amendments are meant to increase consistency with state laws and reflect local circumstances, while retaining no-net-loss of shoreline ecological function. The analysis of the proposal does not reveal any adverse environmental impacts requiring mitigation above and beyond existing or amended code provisions. However, at the time of a site-specific development proposal within shoreline jurisdiction, mitigation may be necessary and may be imposed. The amended proposals do not change original findings and conclusions.

This revised DNS is issued under WAC 197-11-340(2)(f) and does not include additional notice and comment.

Signature  Date August 25, 2022

SEPA Responsible Official: *Mike Olden, P.E.*  
*Director of Public Works/Community Development*  
*112 North Main Street, Montesano WA 98563*  
*(360) 589-0333*

# PROJECT MEMO



---

<b>TO:</b>	City of Montesano Planning Commission	<b>DATE:</b>	September 9, 2022
<b>FROM:</b>	Nicole Stickney, AICP, and Emily Weimer, AICP Tri-Cities - (509) 380-5883	<b>PROJECT NO.:</b>	2211017.30
		<b>PROJECT NAME:</b>	City of Montesano SMP
<b>SUBJECT:</b>	Montesano Shoreline Master Program (SMP) Periodic Update		

---

## DESCRIPTION OF PROPOSAL

The City of Montesano is conducting a periodic review and updating its Shoreline Master Program (SMP), along with all other jurisdictions in the State of Washington, to comply with State law and updated regulations (RCW 90.58 and WAC 173-26 and WAC 173-27). The State's Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The Washington Department of Ecology has directed Montesano to complete the periodic review by June 30, 2023. The purpose of the Planning Commission hearing is to hear public testimony regarding the proposed changes to the SMP, which serves to regulate development located in the City's shoreline jurisdiction.

## BACKGROUND

As required by the State Shoreline Management Act, local governments must periodically review and update their shoreline master program which are based on the State's Shoreline Master Program Guidelines (WAC 173-26) but tailored to the specific circumstances and needs of the local community.

*What is the SMP?* The SMP is the local instrument by which the city of Montesano and the Washington State Department of Ecology (Ecology) jointly administer the requirements of the 1971 Shoreline Management Act (SMA), Chapter 90.58 of the Revised Code of Washington (RCW). The overarching goal of the SMA is "...to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

*History:* The City of Montesano adopted its original SMP in November 1992 via Ordinance 1333 (*which is still in effect*). In 2013, the City obtained a grant from Ecology to conduct a comprehensive SMP update, which involved the development of several reports / studies including a *Shoreline Inventory and Characterization Report* and a *Restoration Plan*. In 2022, Montesano received another grant from Ecology to perform further work on the SMP.

- In 2016 the City **adopted** a revised SMP (produced during the comprehensive update process) with an ordinance<sup>1</sup> and submitted the SMP with supporting materials to Ecology for final **approval**. Ecology subsequently determined that the submittal was complete. However, Ecology identified several changes that were necessary for the city to make in order for the document to be compliant with the SMA. Without those changes, the SMP was not granted final approval by Ecology and thus it did not go into effect.

---

<sup>1</sup> Ordinance 1593 passed Jun 26, 2016



*What is included in the SMP?* The SMP includes the City's vision of how shoreline areas can be used and provides the policy basis and regulations to guide shoreline development, public access, and habitat protection. The goals and policies of the SMP are to be incorporated into the City's Comprehensive Plan, as required by the State Growth Management Act (RCW 36.70A). The shoreline regulations regulate shoreline areas in harmony with existing development regulations. The critical area regulations found in the appendix of the SMP regulate development that affects the City's critical areas within the shoreline jurisdiction.

*Affected area:* The Shoreline Management Act identifies the lands that fall within the Act's jurisdiction. The City has chosen to include the minimum shoreline jurisdiction required according to State law. This includes floodways; land within 200 feet of the ordinary high-water mark (OHWM) of the waterways; floodplains up to 200 feet from the floodway edge; and associated wetlands within the 100-year floodplain. The Chehalis and Wynoochee Rivers, Sylvia Creek, and Sylvia Lake and their associated wetlands, floodways, and floodplains comprise the areas in the city's shoreline jurisdiction. There are approximately five miles of creeks and rivers and 352 acres of lakes and reservoirs that meet the definition of shorelines of the state in the city.

*How are items to be updated determined?* The update is based on a checklist provided by Ecology that details the changes to state laws / rules / guidance which may trigger the need for SMP amendments. The checklist was completed by the City's consultant, AHBL. The update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The City also considers comments from stakeholders and the public, as well as Ecology and other reviewers (being mindful of budget constraints and the limited scope required during a periodic review).

*Relationship to the Comprehensive Plan:* The SMP is consistent with the Comprehensive Plan elements. While the City is not subject to all of the requirements of the Growth Management Act (GMA)<sup>2</sup>, the plan strives to ensure that there is consistency between the SMP's shoreline environment designation provisions and the Comprehensive Plan elements and development regulations. The SMP itself contains policy goals in: Economic Development, Public Access, Recreation, Circulation, Conservation, Historic / Cultural/ Scientific/ Educational, flood hazard prevention, and restoration.

*What's next?* At a future meeting and following the conclusion of the comment period, the Planning Commission will meet to issue a recommendation on the SMP update. After the Planning Commission forwards its recommendation to the City Council and the City Council adopts the SMP and associated documents, the Washington State Department of Ecology will have its final review of the SMP. Unlike other local regulations, Ecology has final review and approval authority over the City's SMP, including the ability to require changes.

## ***PUBLIC NOTICE/ COMMENTS***

Public participation is a very important cornerstone of this periodic update process.

This project was launched with Council's adoption of a public participation plan, which was followed by a letter mailed to stakeholders / agencies / partners (including persons who own property in the shoreline jurisdiction

---

<sup>2</sup> Grays Harbor County and the cities within the county are known as communities "partially planning" under the GMA per RCW 36.70A.060, .170 and are thus subject to Critical Areas and Natural Resource Lands requirements only

according to tax records, tribes, etc.) to provide notice and information about the pending update, and gave the opportunity for people to “sign up” to be included on an email notification list. A website was set up with an overview, updates, contacts, events, and a document library at

[https://www.ezview.wa.gov/site/alias\\_1788/34991/overview.aspx](https://www.ezview.wa.gov/site/alias_1788/34991/overview.aspx). The website has been regularly updated throughout the process.

Public notice of the joint City/ Ecology September 21, 2022 public hearing included the following:

- Posting of a notice to the project website
- Posting of a notice on the City’s website
- Email to the SMP update email list and to individuals/ agencies on the SEPA email list (Joint notice for the public hearing and for the SEPA determination)
- Notification completed by Ecology
- Publication in The Daily World

Additionally, a *Request for Review and Notice of Intent to Adopt Amendment*, as required under RCW 36.70A.106, was submitted to the Washington State Department of Commerce on September 6, 2022.

**The official comment period for the SMP is open from September 19 – October 19, 2022.** AHBL consultants will compile all comments received in writing in a response matrix, to document the comments as well as a response for each comment.

## ENVIRONMENTAL REVIEW

The proposal is subject to environmental review. The City is the lead agency for the proposal under the State Environmental Policy Act (SEPA) and reviewed the proposed non-project action for probable adverse environmental impacts and previously issued a determination of non-significance (DNS) for the proposal on February 3, 2016 (SEPA register # 201600583). During this periodic update, the City reaffirmed that the proposal will not have probable significant adverse impacts on the environment and issued a revised DNS on August 25, 2022 (SEPA register # 202204336).

## PAST AND PROJECTED TIMELINE

*The processing of this item has included the following thus far:*

Date	Task
April 20, 2022	Public Participation Plan Sent to Ecology
June 22, 2022	AHBL provided an Initial Draft SMP Update document to City Staff
June 30, 2022	AHBL completed draft review checklist
July 18, 2022	City Staff completed review of Initial Draft document and provided comments back to AHBL
July 18, 2022	AHBL meeting with City staff
July 27, 2022	AHBL provided revised Draft SMP Update document to City Staff
August 17, 2022	City staff met with Planning Commission to provide overview and materials

<b>August 30, 2022</b>	City sent a letter to potential interested parties (and individuals/ agencies on record who participated in the last update)
<b>August 25 - September 1, 2022</b>	Newspaper notice published; Public notice emailed and posted to websites; Issued SEPA Threshold Determination;
<b>September 6, 2022</b>	Transmittal of SMP Amendments (SMP document and maps together with a completed update checklist) to Departments of Commerce and Ecology with 60-day Notice of Intent to Adopt
<b>September 19, 2022</b>	City and Ecology joint public comment period begins
<b>September 21, 2022</b>	Joint Planning Commission / Ecology Public Hearing*
<b>October 19, 2022</b>	Conclusion of public comment period
<b>By November 9, 2022</b>	City issues formal response to public comments
<b>December 13, 2022</b>	City Council Public Hearing* and Adoption
<b>By December 16, 2022</b>	Submit Application for Final Determination from Ecology
<b>January 16, 2023 (Anticipated)</b>	Final Ecology Approval and SMP Adoption
<b>Feb 1, 2023 (Anticipated)</b>	Effective date.

## FISCAL IMPACT

The City was awarded a grant from Ecology to pay towards the costs associated with the SMP update. The grant funding was provided to only update the SMP itself (there was no funding for updates or changes to reports and research produced as a part of the previous update, such as the Shoreline Inventory and Characterizations report).

## SUGGESTED FINDINGS

Written findings will be needed for the City to adopt the SMP amendments under the periodic update. Listed below are DRAFT written findings that will be further developed as the process ensues:

### Findings:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires counties and cities to prepare SMPs to prevent the uncoordinated and piecemeal development on shoreline of the state.
2. Under RCW 90.58.050, the City and Ecology share joint authority and responsibility for the administration of the City's SMP. When the City's updated SMP is approved by Ecology, it has the authority of state law.
3. In 2003, Ecology adopted new rules based on RCW 90.58.200, that became effective January 17, 2004. These rules gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations.
4. Ecology adopted and approved the existing Montesano SMP in 1992.
5. The State's Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature and the City of Montesano's periodic update is due no later than June 30, 2023.
6. The SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish

minimum standards for updating local SMPs.

7. The City was awarded a grant from Ecology to fund a portion of the update costs.
8. The proposed SMP is compatible with the City's adopted land use designations, policies, and goals contained with its Comprehensive Plan and its development regulations.
9. The proposed SMP recognizes private property rights and it is consistent with other property regulations and those rights afforded to property owners.
10. The City's Planning Commission held a public hearing on September 21, 2022 to review and receive public comment on the proposed amendments to update the City's SMP.
11. The City completed environmental review under SEPA issued a Threshold Determination of Non-Significance on February 3, 2016 (SEPA register # 201600583). During the 2023 periodic update, the City reaffirmed that the proposal will not have probable significant adverse impacts on the environment and issued a revised DNS on August 25, 2022 (SEPA register # 202204336).
12. The City filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce on September 6, 2022.
13. The proposed amendments to the City's SMP were placed on the project website using the EZ View platform on August 23, 2022 prior to the City's Planning Commission public hearing for public review.
14. The notice of the amendments, revised DNS, public hearing, and public comment period were published in the Daily Planet on September 1, 2022.
15. The official comment period for the SMP is open from September 19, 2022 to October 19, 2022 and the September 21, 2022 joint City / Ecology public hearing is to occur during that time period.
16. All written comments received prior to and during the official comment period will be compiled into a Response Matrix document for the City to consider and document their review and formal responses.
17. Following completion of the public hearing before the City's Planning Commission, the City Council will hold a hearing to approve the updated SMP.
18. The City will formally adopt the SMP following review and approval by Ecology and it will then become effective.

## ACTION

There is no motion or any recommendation to make at this time.

Instead, the Planning Commission should conduct a public hearing to receive public comments on the proposed periodic update to the SMP with no further action. It is expected that the Planning Commission will meet at a meeting in either late October or early November, to review comments and forward a recommendation to the City Council for adoption. A copy of the draft SMP showing proposed amendments in tracked changes is attached to this memo for review.

**Additional materials are available on the project website:**

**[https://www.ezview.wa.gov/site/alias\\_1788/34991/overview.aspx](https://www.ezview.wa.gov/site/alias_1788/34991/overview.aspx)**

Cc: Mike Olden, PE – City of Montesano  
Carmen Smith, - AHBL



# PROJECT MEMO



---

<b>TO:</b>	City of Montesano Planning Commission	<b>DATE:</b>	October 12, 2022
<b>FROM:</b>	Nicole Stickney, AICP, and Emily Weimer, AICP Tri-Cities - (509) 380-5883	<b>PROJECT NO.:</b>	2211017.30
		<b>PROJECT NAME:</b>	City of Montesano SMP
<b>SUBJECT:</b>	Montesano Shoreline Master Program (SMP) Periodic Review – Memo #2		

---

In this memo we supplement and update a previous memo to the Planning Commission (dated September 9, 2022) to provide further detail on the upcoming Public Hearing for the SMP Periodic Reviews. As a reminder, a copy of the draft SMP showing proposed amendments in tracked changes was attached to the September 9<sup>th</sup> memo for review.

## ***PUBLIC HEARING RESCHEDULED***

As Planning Commission members are aware, a joint City/ Ecology public hearing was originally scheduled for September 21, 2022. However, that meeting had to be cancelled. As a result, new notices were provided for the hearing scheduled for October 19, 2022.

Public notice of the joint City/ Ecology October 19, 2022 public hearing included the following:

- Posting of a notice to the project website
- Posting of a notice on the City's website
- Email to the SMP update email list and to individuals/ agencies on the SEPA email list (Joint notice for the public hearing and for the SEPA determination)
- Notification completed by Ecology
- Publication in The Daily World

**The official comment period for the SMP was unchanged, and remained September 19 – October 19, 2022.**

AHBL consultants will compile all comments received in writing (if any) in a response matrix, to document the comments as well as a response for each comment.

## ***UPDATED MAPS***

AHBL prepared updated maps in the draft materials that were circulated to the Planning Commission (and posted to the project website) in September. However, there were some errors that were not caught before those maps were sent out. The maps have since been corrected and are attached to this memo, and supersede the maps that were previously provided.

## ***ACTION***

The Planning Commission should conduct a public hearing to receive public comments on the proposed periodic update to the SMP. **If the Planning Commission feels that it is prudent to do so, the commission may proceed with voting to forward the draft SMP with a recommendation of approval to the City Council, based on the findings of fact.**

## PROJECTED TIMELINE

*The projected timeline provided previously is updated as follows, all dates are subject to change*

Date	Task
October 19, 2022	Joint Planning Commission / Ecology Public Hearing
October 19, 2022	Conclusion of public comment period <u>at the end of the public hearing</u>
By November 9, 2022	City issues formal response to public comments
December 13, 2022	City Council Public Hearing and Adoption
By December 16, 2022	Submit Application for Final Determination from Ecology
January 16, 2023 (Anticipated)	Final Ecology Approval and SMP Adoption
Feb 1, 2023 (Anticipated)	Effective date.

## SUGGESTED FINDINGS - UPDATED

Written findings will be needed for the City to adopt the SMP amendments under the periodic update. Listed below are DRAFT written findings **that are updated as shown**, that will be further developed as the process ensues:

### Findings:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires counties and cities to prepare SMPs to prevent the uncoordinated and piecemeal development on shoreline of the state.
2. Under RCW 90.58.050, the City and Ecology share joint authority and responsibility for the administration of the City's SMP. When the City's updated SMP is approved by Ecology, it has the authority of state law.
3. In 2003, Ecology adopted new rules based on RCW 90.58.200, that became effective January 17, 2004. These rules gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations.
4. Ecology adopted and approved the existing Montesano SMP in 1992.
5. The State's Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature and the City of Montesano's periodic update is due no later than June 30, 2023.
6. The SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local SMPs.
7. The City was awarded a grant from Ecology to fund a portion of the update costs.
8. The proposed SMP is compatible with the City's adopted land use designations, policies, and goals contained with its Comprehensive Plan and its development regulations.
9. The proposed SMP recognizes private property rights and it is consistent with other property regulations and those rights afforded to property owners.
10. The City's Planning Commission held a public hearing on ~~September 21, 2022~~ **October 19, 2022** to review and receive public comment on the proposed amendments to update the City's SMP.
11. The City completed environmental review under SEPA issued a Threshold Determination of Non-

- Significance on February 3, 2016 (SEPA register # 201600583). During the 2023 periodic update, the City reaffirmed that the proposal will not have probable significant adverse impacts on the environment and issued a revised DNS on August 25, 2022 (SEPA register # 202204336).
12. The City filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce on September 6, 2022.
  13. The proposed amendments to the City's SMP were placed on the project website using the EZ View platform on August 23, 2022 prior to the City's Planning Commission public hearing for public review.
  14. The notice of the amendments, revised DNS, public hearing, and public comment period were published in the Daily Planet on September 1, 2022.
  15. The official comment period for the SMP ~~is~~ **was** open from September 19, 2022 to October 19, 2022 and the September 21, 2022 joint City / Ecology public hearing is to occur during that time period.
  16. All written comments received prior to and during the official comment period will be compiled into a Response Matrix document for the City to consider and document their review and formal responses.
  17. Following completion of the public hearing before the City's Planning Commission, the City Council will hold a hearing to approve the updated SMP.
  18. The City will formally adopt the SMP following review and approval by Ecology and it will then become effective.

**As a reminder, additional materials are available on the project website:**

**[https://www.ezview.wa.gov/site/alias\\_1788/34991/overview.aspx](https://www.ezview.wa.gov/site/alias_1788/34991/overview.aspx)**











Cc: Mike Olden, PE – City of Montesano  
Carmen Smith, - AHBL



# Shoreline Environment Designations

Figure 1  
(Upper Syliva Creek & Sylvia Lake)

## Shoreline Environment Designation

-  High Intensity
-  Shoreline Residential
-  Urban Conservancy
-  Natural
-  Aquatic
-  SMA Lakes
-  SMA Rivers
-  Montesano City Limits^
-  Parcels^
-  Highways

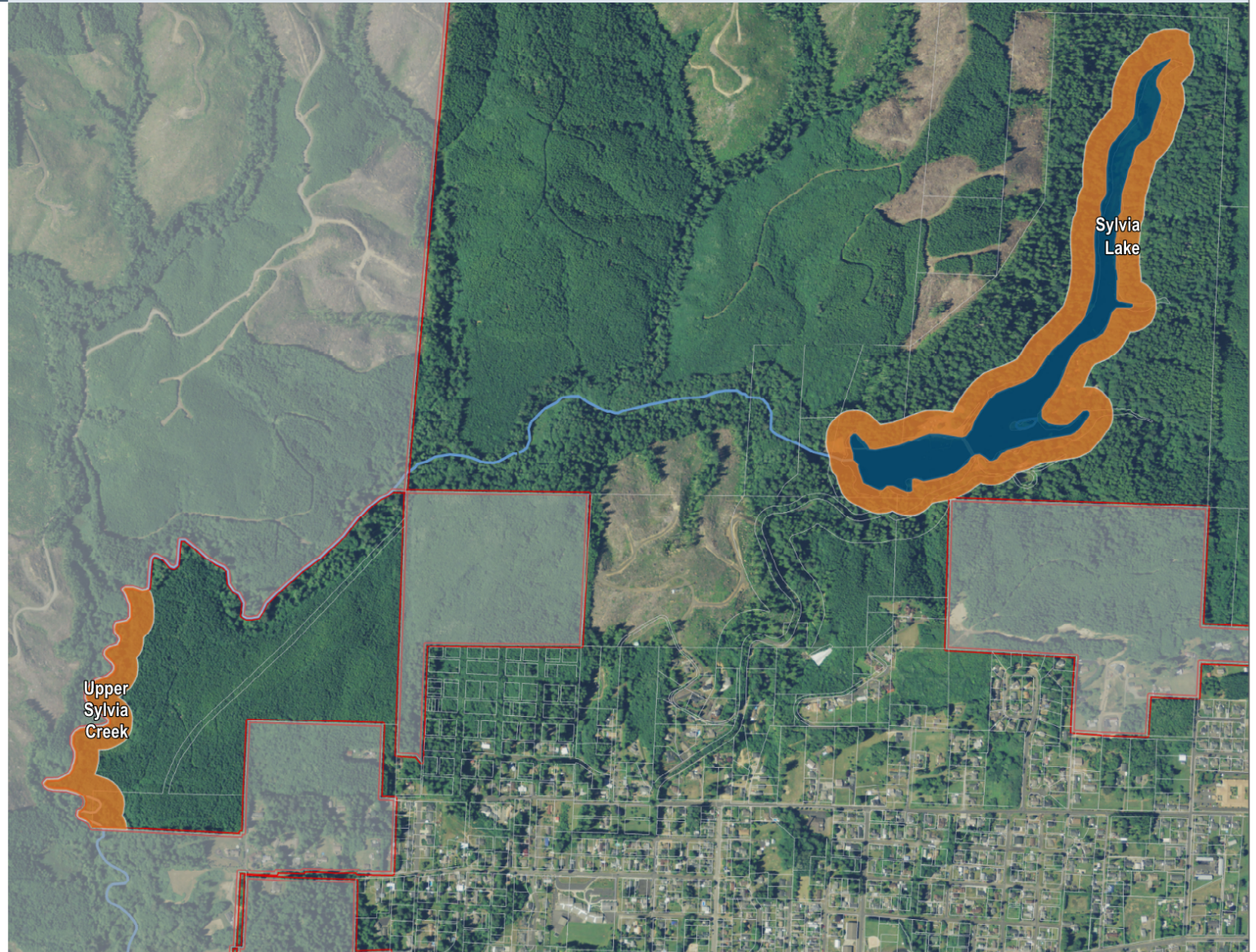
^Data as of April 2022



Source: Grays Harbor County, USFWS NWI (2011), FEMA Preliminary DFIRM (2013), DNR, WSDOT, Ecology, NRCS NAIP (2013)

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Date: October 11, 2022















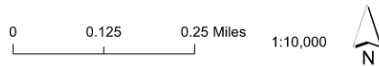
## Shoreline Environment Designations

Figure 2  
(Lower Sylvia Creek, Chehalis River  
& Wynoochee River)

### Shoreline Environment Designation

-  High Intensity
-  Shoreline Residential
-  Urban Conservancy
-  Natural
-  Aquatic
-  SMA Lakes
-  SMA Rivers
-  Montesano City Limits<sup>^</sup>
-  Parcels<sup>^</sup>
-  Highways

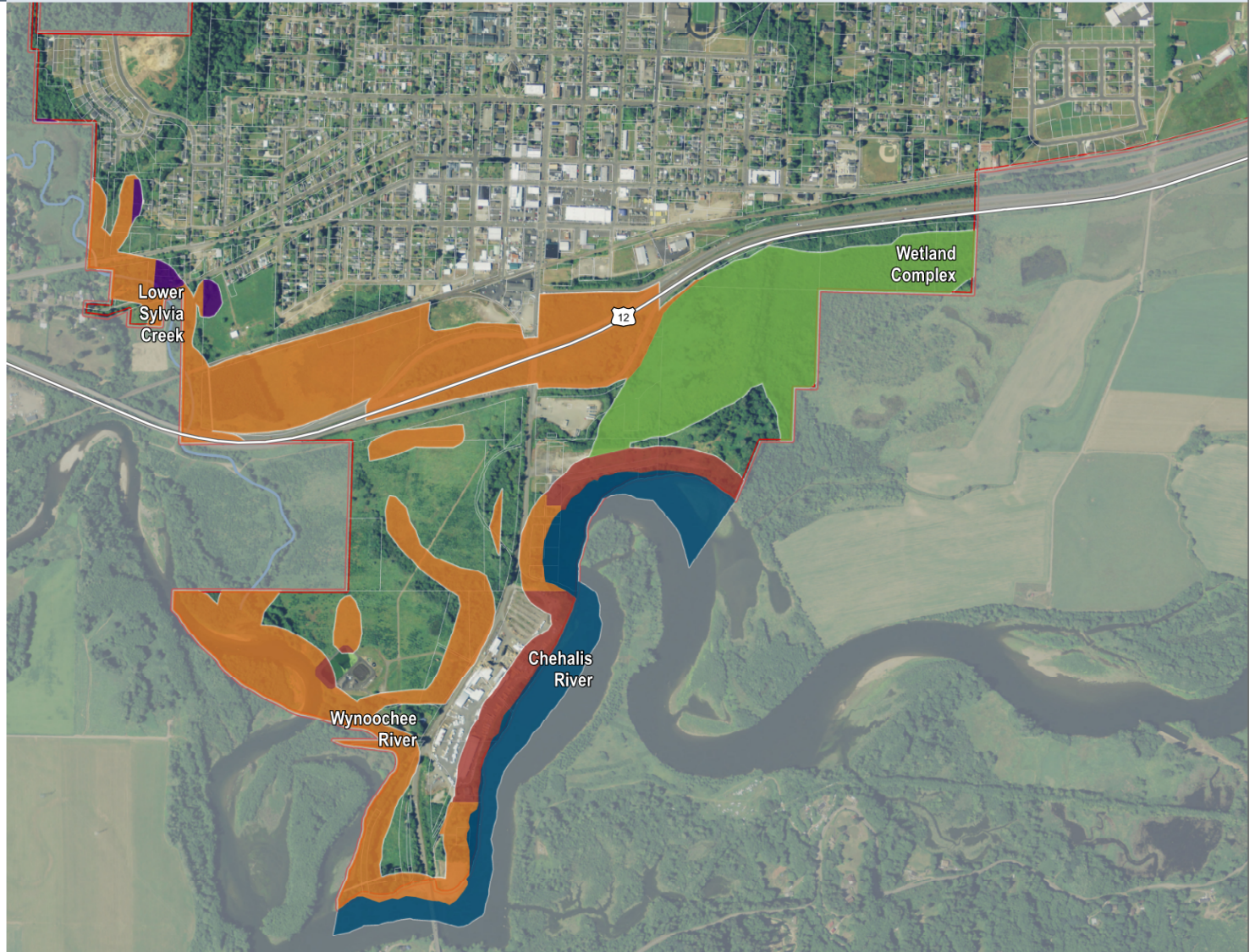
<sup>^</sup>Data as of April 2022



Source: Grays Harbor County, USFWS NWI (2011), FEMA Preliminary DFIRM (2013), DNR, WSDOT, Ecology, NRCS NAIP (2013)

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Date: October 11, 2022



**City of Montesano Planning Commission Meeting Minutes  
October 19th, 2022 6:00 p.m., Montesano City Hall**

**CALL TO ORDER:**

**Chairman Ken Albert Presiding**

**ROLL CALL:**

Ken Albert, Eric Nelson, Doris Torkelson, Will Foster, Dustin Rhodes, and Barb Ford

**ALSO PRESENT:**

Public Works Director, Mike Olden via zoom, Councilman Skaramuca and Deputy Clerk, Madison Jensen

**APPROVAL OF MINUTES: 8/17/2022 Minutes**

Motion to approve minutes made by Eric Nelson and a second by Dustin Rhodes. *Motion Carried 5-0*

**PUBLIC COMMENT:** None

**COMMUNICATIONS:** None

**NEW BUSINESS:** Periodic review of the Shoreline Master Program (SMP) Public hearing – Joint public hearing with the Washington State Dept. of Ecology

**PUBLIC HEARING:**

**Chairman, Ken Albert opened the Public hearing at 6:02pm**

Nicole with Washington State Dept. of Ecology gave a presentation regarding the Shoreline Master Program. After the presentation the Planning Commission is able to take action. The Shoreline Master Program must be reviewed and revised on an 8-year cycle. Due June 30<sup>th</sup>, 2023. There are local and state roles the Dept. of Ecology provides state guidelines and approves the SMP. Local Shoreline Programs implement the Shoreline Management Act. This serves as city and state plan for managing, in this case, the City of Montesano. Goals and regulations have been set for shoreline protections and other details about development. Previously the City was involved in establishing a plan for restoration in areas where degradation has occurred and changes are being made to reflect that.

Ecology is responsible for providing guidelines, providing financial support, and to provide technical assistance. They also have to approve each SMP before it takes effect. City council is responsible for adopting the SMP but it will not go into effect until ecology accepts the plan. The goal is no net loss.

New impacts to the shoreline must be avoided or mitigated through the administration of the SMP. They made typo changes, updated several definitions making sure they were compliant with state laws, they added exceptions for certain actions, provided specificity regarding forestry and more.

Ecology had no one send in comments during the comment period. Once the Planning Commission opens and then closes the public hearing that will close the comment window. After this the SMP will go to city council for adoption but will not go into effect until ecology accepts the SMP.

Planning Commission Member, Eric Nelson commented that he noticed he didn't see anything that was significant or challenging to change to comply with ecology.

**City of Montesano Planning Commission Meeting Minutes  
October 19th, 2022 6:00 p.m., Montesano City Hall**

At this time Chairman Ken Albert, asked the commission if anyone had any questions.

There was no public comment for the public hearing.

Motion to accept recommendation from Ecology and forward it to the City Council for local adoption was made by Eric Nelson and Seconded by Barb Ford. *Motion carried 5-0*

**Chairman, Ken Albert closed the public hearing at 6:19pm**

**OLD BUSINESS:** Review of current municipal code for front yard fences with changes

Public Work's Director, Mike Olden explained the revisions he had made in addition to Planning Commission Member, Will Foster's revisions.

Chairman, Ken Albert stated the purpose of this review is to see if they agree to motion to forward these changes for City Council approval.

Planning Commission Member, Will Foster thinks the fence revisions may be problematic. Citizens may not accept this and it's hard to enforce. There is also a couple of typos that need addressed.

Planning Commission Member, Eric Nelson believes some of these changes will be hard to implement and the City Council may have issues with it.

Discussion ensued over the details of the fence revisions.

Conclusion of discussion: The Planning Commission gave Public Work's Director, Mike Olden revised changes. They agree for the current code with revisions to be forwarded to City Council with Public Work's Director, Mike Oden's discretion to incorporate the revisions in the ordinance. Some of the suggested revisions include correction of typo's in paragraph 2 of the first page. In the paragraph four, driveways, addition of concrete pavers as well as possibility of a 5-inch thickness if it is reinforced and under the variance section include something regarding accessory buildings and permitting.

Motion made to forward the current municipal code for front yard fences with updated revisions to City Council made by Will Foster and seconded by Barb Ford. *Motion Carried 5-0*

**ADJOURNMENT:**

Motion to adjourn was made by Eric Nelson and seconded by Barb Ford. *Motion Carried 5-0*

Meeting adjourned at 6:50pm

Chey Smith

Deputy City Clerk/Planning Commission Secretary

Recording Available

## Record of Comments and Responses— Montesano SMP Update

### SCOPE AND INTENT OF THE PROPOSAL:

The update is largely based on a checklist provided by Ecology that details the changes to state laws / rules / guidance that triggered the need for SMP amendments.

DATE PREPARED: October 28, 2022

Comment	Response
<i>None Received</i>	<i>None</i>



**TO:** Mike Olden, Director of Public Works/Community Development, City of Montesano

**CC:** Jackie Chandler, Shoreline Administrator, WA Department of Ecology

**FROM:** Tess Brandon, Senior Shoreline Planner, WA Department of Ecology

**Date:** November 10, 2022

**Subject:** Initial Determination of Consistency

**Sent via email to:** [molden@montesano.us](mailto:molden@montesano.us)

## Use of this Document

Ecology's *Initial Determination of Consistency* provides Ecology's review of the proposed amendment to the City of Montesano (City) Shoreline Master Program (SMP). This document is divided into two sections: **Findings of Fact**, which provides findings related to the City's proposed amendment, amendment history, and the review process; and **Initial Determination** of the proposed amendment with next steps.

**Attachment 1** itemizes issues that must be addressed for Ecology's final approval of the proposed amendment.

## Brief Description of Proposed Amendment

The City has submitted an SMP amendment to Ecology for initial determination of consistency to comply with periodic review requirements. Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules.

# FINDINGS OF FACT

## Background and need for amendment

The City locally adopted a comprehensive update of their SMP in 2016 and submitted the update to Ecology for review and approval pursuant to WAC 173-26-100. Ecology held a state comment period in early 2017 but, due to staffing issues at the City and Ecology, has not yet issued a final decision. The City has now placed its comprehensive update on hold in order to comply with the statutory requirement for a periodic review of the SMP pursuant to RCW 90.58.080(4). The proposed periodic review amendment proposes changes to the 2016 locally-adopted SMP. The proposed changes will bring the SMP into compliance with requirements of the Shoreline Management Act or state rules that have been changed since local adoption of the comprehensively updated SMP; ensures the SMP remains consistent with amended local plans and regulations; and incorporates changes deemed necessary to reflect changed circumstances, new information, or improved data. The proposed amendment also addresses issues identified by Ecology during our initial state review of the locally-adopted comprehensive SMP update. The City prepared a checklist and an analysis that documents the proposed amendment.

## SMP provisions to be changed by the amendment as proposed

Montesano's SMP is a standalone document containing goals, policies, and regulations. The SMP regulations set standards within shoreline jurisdiction and are part of the City's development regulations. The Shoreline Environment Designations Map is found in Appendix 1. Shoreline critical areas regulations are found in Appendix 2.

## City of MONTESANO

### Initial Determination of Consistency

In addition to general edits to correct and update syntax, formatting, and citation errors, the following amendments to the SMP are proposed:

#### Chapter 1 – Introduction

*1.04 Shoreline Master Program Development* – Add amendment history, including 1992 SMP adoption, Ecology development of Guidelines, and 2022 periodic review

*1.05 Applicability* – Add list of exceptions to local shoreline review [F]

*1.06 Shoreline Jurisdiction* – Add “environmentally” to qualify sensitive areas in which public access should be restricted [.02(C) Policies for Shorelines of Statewide Significance, (10)]

#### Chapter 3 – Shoreline Environment Designations

##### *3.01 Shoreline Environment Designations*

- *Management Policies, Natural* – Strike “utility corridors” from list of infrastructure uses that should not be allowed in the Natural designation [.03(C)]
- *Management Policies, Shoreline Residential* – Add “of structures” to clarify applicability of height standards [.04(C)]

#### Chapter 4 – General Policies and Regulations

##### *4.04 Critical Areas and Shoreline Vegetation Conservation*

- *.02(A) Critical Areas Regulations Adopted* – Reorganize description of how critical areas administration is addressed in shoreline jurisdiction [4]; specify that applicants seeking relief from “buffer” provisions of critical areas regulations must apply for a shoreline variance [5]
- *.02(B) Shoreline Buffer Table* – Specify that wider buffer applies if two or more contiguous critical areas overlap [2]; Add buffer widths for non-water-oriented utilities structures [Table 4-1]
- *.02(D) General Buffer Regulations* – Delete reference to list of regulated activities in Appendix 2 as uses allowed within shoreline buffers [1]; Delete reference to list of activities allowed in critical area buffers in Appendix 2 as uses allowed within shoreline buffers [2]

*4.05 Flood Hazard Management* – Add references to codified critical areas ordinance and Flood Damage Prevention Code for flood hazard management; Correct reference to Flood Damage Prevention Ordinance [.02(A)]

#### Chapter 5 – Specific Shoreline Use Policies & Regulations

##### *5.03 Allowed Shoreline Uses – Table 5-1: Permitted, Conditional, and Prohibited Uses*

- Specify that mining within any CMZ requires a SCUP [Footnote 5]
- Change “C” to “P” in the Shoreline Residential environment for expansion of roads outside of a right-of-way or relocation of existing roads

*5.09.02 Forest Practices – Regulations* – Clarify that timber cutting alone is not development [A]

##### *5.12 Parking*

- Revise policy to optimize parking use to “potentially” serve more than one use [.01(C)]
- Revise “exterior parking facilities” to “non-structured parking facilities (surface parking lots)” [.02(C)]

*5.13 Recreational Development* – Add specific examples to exclusion of private recreational uses established for residential development (e.g. pool)

*5.14.02 Residential Development – Regulations* – Revise public access requirement for multifamily developments to over four units (from over five units) [D]; Add language clarifying what constitutes establishing primary residential use for the purpose of establishing accessory uses [F]

**City of MONTESANO**  
**Initial Determination of Consistency**

**Chapter 7 – Shoreline Administration**

*7.03 Application – Notices* – Add timing for WSDOT projects per RCW 47.01.485 and 90.58.140 [F]

*7.04 Shoreline Permit and Approvals*

- *.01 Shoreline Substantial Development Permits* – Add the word “valid” to statement of reasons for request for public hearing [B(1)]; Increase public hearing project cost threshold from \$500,000 to \$1,000,000 [B(2)]
- *.04 Shoreline Letters of Exemption* – Delete statement, “Exemptions shall be construed narrowly” [F(1)]

*7.07 Nonconforming Development* – Add citation to specific, dated version of nonconformance provisions in Montesano Municipal Code for application in shoreline jurisdiction [B]

*7.08 Enforcement and Penalties*

- *.03 Public and Private Redress* – Delete language specifying court-required restoration [B]
- *.04 Delinquent Permit Penalty* – Revise penalty requirement to apply in all cases and revise penalty maximum to be penalty minimum [A]

**Chapter 8 – Definitions**

- Revise definitions for the following terms: bog, development, fish and wildlife habitat conservation areas, geologically hazardous areas, isolated wetlands, native vegetation, priority species, endangered species, substantial development, wetland or wetland areas
- Add definitions for the following terms: drastic, hearing examiner, mature and old-growth forested wetlands, listed species
- Delete definitions for the following terms: sensitive species, threatened species

**Appendix 1 – Shoreline Environment Designation Map**

- Add Upper Sylvia Creek and Lake Sylvia within city limits
- Revise designation of wetland complex along SR 12 from High Intensity (HI) to Urban Conservancy (UC)
- Revise designation of portions of the Chehalis River, Wynoochee River, and associated wetlands from HI to UC consistent with Ecology draft required changes from the comprehensive update
- Revise designation of a parcel along Lower Sylvia Creek from UC to Shoreline Residential (SR) consistent with underlying zoning

**Appendix 2 – Critical Areas Regulations**

*2.05.03 General Provisions – Enforcement* – Revise internal references to restoration requirements for each type of critical area [B(1)]; Revise minimum performance standards for wetlands and FWHCA enforcement regarding restoration of historic soil types and access to private property by Shoreline Administrator [B(2)]

*2.06 Wetlands*

- *.01 Purpose* – Add requirement to comply with other federal, state, and local regulations [C(1)]
- *.02 Identification and Delineation* – Add footnote reference to 1987 federal manual and regional supplements
- *.03 Rating* – Add clarifying language for wetland categories consistent with Ecology guidance [A(5), B(2)]
- *.06 Wetland Buffers* – Revise buffer requirements consistent with Ecology guidance [A(1)-(3); Table A2-1; Table A2-2; Table A2-3]

**City of MONTESANO**  
**Initial Determination of Consistency**

- .08 *Compensatory Mitigation* – Clarify when and how mitigation sequencing shall occur [B]; Add language defining and prioritizing types of compensatory mitigation [E]
- 2.12.03 *Fish and Wildlife Habitat Conservation Areas – Regulation* – Delete reference to bald eagle management plans [B]

### **Amendment History, Review Process**

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines. An important element of the public participation plan is the City's SMP Periodic Review project [website](#).<sup>1</sup> A consultant, hired by the City, developed draft documents.

The City used Ecology's checklist of legislative and rule amendments to review changes to Chapter 90.58 RCW and Ecology guidelines that have occurred since the comprehensive SMP update was locally adopted, and to determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The City also reviewed changes to the comprehensive plan and development regulations to determine if the SMP policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii).

The City completed a SEPA checklist and issued a Determination of Non-Significance (DNS) for the comprehensive SMP update on February 3, 2016. The City revised this DNS in consideration of the periodic review amendment to the SMP; the revised DNS was published August 25, 2022.

The City held a joint local/state comment period on the proposed amendment following procedures outlined in WAC 173-26-104. The comment period began on September 19, 2022 and continued through October 19, 2022. A virtual public hearing before the Planning Commission was held on October 19, 2022.

The City provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The City's record indicates that notice of the hearing was published in *The Daily World* on September 27, 2022. Ecology distributed notice of the joint comment period to state interested parties on September 9 and 20, 2022, including separate notice and an invitation for consultation to the Chehalis Tribe, Quinault Indian Nation, and Squaxin Island Tribe.

No written or oral comments on the proposed SMP amendment were received.

The City submitted the proposed amendment to Ecology for initial state review on October 28, 2022 with additional materials submitted October 31, 2022. Ecology verified that the submittal was complete on November 1, 2022.

---

<sup>1</sup> [https://www.ezview.wa.gov/site/alias\\_1788/34990/updates.aspx](https://www.ezview.wa.gov/site/alias_1788/34990/updates.aspx)



## Summary of Issues Identified by Ecology as Relevant to Our Decision

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

Based on review of the proposed amendments to the SMP for consistency with applicable SMP Guidelines requirements and the Shoreline Management Act, and consideration of supporting materials in the record submitted by the City, the following issues remain relevant to Ecology’s final decision on the proposed amendments to the City’s SMP, with Findings specific to each issue identifying amendments needed for compliance with the SMA and applicable guidelines:

### *Relief from Shoreline Critical Areas Regulations*

Shoreline critical areas regulations are found in Appendix 2 of the SMP. Regulations in the body of the SMP clarify how these critical areas regulations apply in shoreline jurisdiction, including a statement that relief from critical areas regulations may be granted through a shoreline variance. The City is proposing to add qualifying language to this statement, narrowing its applicability to only the buffer provisions of Appendix 2. No language is proposed to address how requests for relief from other, non-buffer provisions of Appendix 2 would be handled.

**Finding.** Ecology finds that the shoreline critical areas regulations in Appendix 2 are SMP regulations, and that relief from such regulations requires a shoreline variance. The proposed amendment would lead to implementation of the SMP inconsistent with this finding, weakening protections for critical areas in shoreline jurisdiction. Ecology has identified a required change to ensure consistency with the provisions of WAC 173-26-221(2)(a)(ii) (Attachment 1, REQ-1).

### *Shoreline Buffers for Water-Oriented Uses*

The SMP includes requirements for shoreline buffers between permitted structures and the ordinary high water mark (OHWM). These buffers are intended to protect shoreline vegetation consistent with the principles of WAC 173-26-221(5). The SMP prescribes different buffer widths depending on the use orientation of the structure, generally allowing water-related and water-enjoyment structures to locate closer to the OHWM than non-water-oriented structures, and water-dependent structures to locate at the OHWM. This reflects the policy preference in the SMA for water-dependent preferred uses and public access (WAC 173-26-201(2)(d)).

The SMA also requires that SMPs assure no net loss of ecological functions at both programmatic and project scales (WAC 173-26-201(2)(c)). Accordingly, development located within the area designated for vegetation conservation (i.e. the shoreline buffer) must apply mitigation sequencing to ensure impacts to shoreline vegetation are minimized, reduced, and compensated for.

**Finding.** Ecology finds that the proposed buffer standards would allow for impacts to shoreline ecological functions from water-oriented structures, without requiring that such impacts be mitigated. Applying the largest buffer (that prescribed for non-water-oriented structures) to all structures for the purpose of mitigation of shoreline vegetation impacts would allow preference for water-oriented uses while ensuring no net loss of shoreline ecological functions. Ecology has identified a required change to ensure consistency with WAC 173-26-221(5) and -201(2)(c) (Attachment 1, REQ-2).

**City of MONTESANO**  
**Initial Determination of Consistency**

*Dredging for Fill*

The SMP addresses removal of fill below the OHWM in both its flood hazard regulations and its policies and regulations for dredging. The flood hazard regulations allow removal of gravel for flood hazard reduction consistent with WAC 173-26-221(3)(c)(v), while the dredging regulations allow dredging for flood hazard reduction. Per WAC 173-26-231(3)(f), dredging for the primary purpose of obtaining fill material is prohibited unless necessary for the restoration of shoreline ecological functions.

**Finding.** Ecology finds that the proposed dredging policies and regulations for dredging waterward of the OHWM conflate allowances for obtaining fill material and for flood hazard reduction. Ecology has identified a required change to ensure consistency with WAC 173-26-231(3)(f) (Attachment 1, REQ-3). An additional recommended change is provided to improve internal consistency (Attachment 1, Rec-6).

*Streams and Shoreline Waterbodies*

The SMP includes a definition for “stream” taken from WAC 173-22-030. Chapter 173-22 WAC is entitled, “Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State.” Accordingly, the definition of “stream” set forth in that chapter is limited to the subset of streams that would be considered shorelines of the state. By contrast, the definition of “stream” in the SMP must be broad enough to include non-shoreline streams (e.g. Type F, Np, and Ns waterbodies) that occur within shoreline jurisdiction and are regulated as shoreline critical areas.

**Finding.** Ecology finds that the proposed definition of “stream” excludes non-shoreline streams and could therefore lead to incorrect implementation of shoreline critical areas regulations. Ecology has identified a required change to ensure consistency with the requirement that SMP provisions be “sufficient in scope and detail to ensure the implementation of the Shoreline Management Act” (WAC 173-26-191(2)(a)(ii)(A)) (Attachment 1, REQ-4).

*Additional items identified as recommended changes*

In addition to the issues identified above as requiring changes to ensure consistency with the SMA and its implementing guidelines, Ecology has identified changes recommended to fix minor errors, provide clarity, or improve implementation.

**Finding.** Ecology finds that Attachment 1, items Rec-1 through Rec-5 and Rec-7 through Rec-16, if implemented would be consistent with the policy and standards of RCW 90.58 and the applicable guidelines; however, the inclusion of these changes is at the discretion of the City and is not necessary for approval of this periodic review amendment.

## INITIAL DETERMINATION

**The following constitutes Ecology’s written statement of initial concurrence, consistent with WAC 173-26-104(3)(b)(ii):**

After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the City’s proposed amendments, subject to and including Ecology’s required changes (itemized in Attachment 1), are 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).

**City of MONTESANO**  
**Initial Determination of Consistency**

**Next Steps**

Consider the changes Ecology has identified in Attachment 1 to resolve the issues identified above. Please let me know if you would like to discuss alternative language or different approaches for resolving these issues.

If these issues are resolved prior to local adoption, we anticipate being able to approve your SMP periodic review amendment promptly after formal submittal is provided consistent with WAC 173-26-110.

**ATTACHMENT 1: MONTESANO SMP PERIODIC REVIEW AMENDMENT – ECOLOGY INITIAL DETERMINATION OF CONSISTENCY**

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strikethrough~~ and underline reflect the City’s proposed amendments; double ~~strikethrough~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
Rec-1	1.04 Shoreline Master Program Development	<p>Montesano adopted its original Shoreline Master Program in November 1992 (Ord 1333). The Department of Ecology adopted the 2003 Shoreline Management Act (<del>SE</del>MA) Guidelines....</p> <p>...</p> <p>In 2002 Montesano received another grant from Ecology (SEASMP-2123-MonteC-00153) to perform further work on the SMP, to update the SMP according to the latest state statutes and laws (associated with the periodic <u>update review</u> requirement per RCW 90.58.080). The process is known as a “periodic <u>update review</u>” and the City will be required <u>to</u> take action to review and, if necessary, revise its master program every eight years on a periodic <u>update review</u> cycle.</p>	<p><b>Recommended change:</b> Revisions are recommended to correct minor typographical errors and for consistency with terminology addressing the periodic review process that is set forth in statute and rule (e.g. WAC 173-26-090).</p>
REQ-1	4.04 Critical Areas and Shoreline Vegetation Conservation – 4.04.02(A) Critical Areas Regulations Adopted	<p>5. Within shoreline jurisdiction, applicants seeking relief from the <del>buffer</del> provisions of SMP Appendix 2: Critical Areas Regulations shall apply for a shoreline variance under SMP Section 7.04.03.</p>	<p><b>Required change:</b> A shoreline variance is required for relief (beyond that granted within the provisions themselves) from <i>any</i> of the provisions of the SMP, including the incorporated critical areas regulations. Insertion of the qualifying word “buffer” here is misleading and may be interpreted to weaken the protections granted by non-buffer critical areas regulations. Revision is required to ensure correct implementation consistent with the no net loss requirements of WAC 173-26-221(2)(a)(ii).</p>
REQ-2	4.04 Critical Areas and Shoreline Vegetation Conservation – 4.04.02(B) Shoreline Buffer Table	<p>8. The minimum shoreline buffer from the OHWM for a particular use is determined by finding the use and the most appropriate subcategory row and then finding the intersection with the appropriate shoreline environment designation column. <u>Within each shoreline environment designation, the regulations set forth in subsections (E) and (F) of this Chapter shall apply within the largest shoreline buffer for a particular use, regardless of the subcategory of the use.</u></p>	<p><b>Required change:</b> Water-oriented uses (including water-dependent, water-related, and water-enjoyment uses) may be permitted closer to the OHWM than non-water-oriented uses by nature of their use orientation. However, the area necessary to protect shoreline ecological functions, determined based on an analysis of existing conditions done during development of the shoreline inventory and characterization report, is the full shoreline buffer, i.e. the one associated with non-water-oriented uses. Additionally, all development must result in no net loss of shoreline ecological functions. Revision is required to ensure that water-oriented uses locating closer to the OHWM than the full shoreline buffer are being regulated as being <i>authorized within</i> that buffer, and subject to associated buffer regulations to ensure mitigation sequencing and no net loss of ecological functions, consistent with WAC 173-26-221(5) and -201(2)(c).</p>

**ATTACHMENT 1: MONTESANO SMP PERIODIC REVIEW AMENDMENT – ECOLOGY INITIAL DETERMINATION OF CONSISTENCY**

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City’s proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE																				
Rec-2	4.04 Critical Areas and Shoreline Vegetation – Table 4-1: Shoreline Buffers	<table><tr><th colspan="5">Utilities (Primary)</th></tr><tr><td>Water-dependent structures</td><td>0 feet</td><td>0 feet</td><td>0 feet</td><td>0 feet</td></tr><tr><td>Water-related structures</td><td>50 feet</td><td>50 feet</td><td>75 feet</td><td>100 feet</td></tr><tr><td>Non-water-oriented structures</td><td><u>50</u> <del>100</del> feet (5)</td><td><u>50</u> <del>100</del> feet (5)</td><td><u>75</u> <del>150</del> feet (5)</td><td><u>100</u> <del>200</del> feet (5)</td></tr></table>	Utilities (Primary)					Water-dependent structures	0 feet	0 feet	0 feet	0 feet	Water-related structures	50 feet	50 feet	75 feet	100 feet	Non-water-oriented structures	<u>50</u> <del>100</del> feet (5)	<u>50</u> <del>100</del> feet (5)	<u>75</u> <del>150</del> feet (5)	<u>100</u> <del>200</del> feet (5)	<b>Recommended change:</b> The proposed revision brings the buffers for non-water-oriented utility structures into consistency with the buffers for all other non-water-oriented structures in Table 4-1. Footnote (5) states that such structures are only allowed within shoreline jurisdiction when no other option exists. It is not clear from the City’s record why such structures would be allowed to locate closer to the OHWM than all other non-water-oriented structures.
Utilities (Primary)																							
Water-dependent structures	0 feet	0 feet	0 feet	0 feet																			
Water-related structures	50 feet	50 feet	75 feet	100 feet																			
Non-water-oriented structures	<u>50</u> <del>100</del> feet (5)	<u>50</u> <del>100</del> feet (5)	<u>75</u> <del>150</del> feet (5)	<u>100</u> <del>200</del> feet (5)																			
Rec-3	4.04 Critical Areas and Shoreline Vegetation – 4.04.02(F) Revegetation	<p>1. Surfaces that are cleared of vegetation in shoreline or critical area buffers, aside from normal maintenance described in SMP Section 4.04.02(E)(6), and are not developed must be replanted within one year. Replanted areas shall be <del>planned</del> <u>planted</u> and maintained such that within three years the vegetation cover is at least 90% reestablished. Areas that fail to reestablish vegetation adequately shall be replanted with approved plant materials until such time as the plantings are viable. Revegetation areas will be maintained in good growing condition, and kept free of noxious weeds <u>and invasive species</u>, and with removal of dead or dying plants for a five-year monitoring period.</p> <p>2. ...</p> <p>3. Native plants are <del>preferred</del> <u>required</u> for all revegetation. Non-native species on the Grays Harbor County’s list of invasive species shall not be allowed.</p>	<b>Recommended change:</b> Revisions are recommended for consistency with mitigation best management practices and to increase the likelihood of achieving no net loss of shoreline ecological functions within revegetation areas.																				
Rec-4	4.05 Flood Hazard Management – 4.05.02 Regulations	E. If new structural flood hazard management measures are required and no alternative <del>exists</del> <u>is feasible</u> , as documented in the appropriate scientific and engineering analysis prepared by a qualified professional, the structural measures shall be placed landward of any associated wetlands and shoreline buffer areas <u>except for actions that increase ecological functions such as wetland or floodplain restoration</u> .	<b>Recommended change:</b> As written, the provision would be very restrictive. Revised language, consistent with WAC 173-26-221(3)(c)(iii), is recommended to ensure alternatives can be considered. Any structural flood hazard management measures will still need to be consistent with the SMP requirements for mitigation sequencing and no net loss of ecological functions.																				
Rec-5	5.14 Residential Development	Residential development includes single-family residences and appurtenances, multifamily development, and appurtenant structures and uses, including garages, sheds, fences, necessary utilities, and driveways as well as the creation of new residential lots through land division. Single-family residences are a priority use when	<b>Recommended change:</b> Proposed edits ensure consistency of terms throughout the SMP, which uses “no net loss of ecological functions,” per the SMP Guidelines.																				



**ATTACHMENT 1: MONTESANO SMP PERIODIC REVIEW AMENDMENT – ECOLOGY INITIAL DETERMINATION OF CONSISTENCY**

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City’s proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
		<p>developed in a manner consistent with no net loss of <u>environmental ecological</u> functions.</p> <p>...</p> <p><b>5.14.01 POLICIES</b></p> <p>G. Consider single-family residences a priority use in planning for uses in shoreline jurisdiction when developed with no net loss of <u>environmental ecological</u> functions.</p>	
Rec-6 REQ-3	6.04 Dredging and Dredge Material Disposal	<p><b>6.04.01 Policies</b></p> <p>D. Prohibit dredging waterward of the OHWM to obtain fill except when the dredge material is necessary for the restoration of shoreline ecological functions <u>or as part of a flood hazard management program.</u></p> <p><b>6.04.02 Regulations</b></p> <p><b>A. Dredging</b></p> <p>4. Dredging shall be prohibited for the primary purpose of obtaining fill material, except <del>when permitted under SMP Section 4.05 or</del> when necessary for the restoration of shoreline ecological functions <u>and consistent with the following:</u> <del>in the latter case:</del></p>	<p><b>Required change:</b> Changes are required for consistency with WAC 173-26-231(3)(f). Dredging (removal of gravel) for flood hazard reduction is addressed in 4.05.04(G) of the SMP consistent with WAC 173-26-221(3)(c)(v). Dredging for flood hazard reduction is further allowed under 6.04.02(A)(2) of this section; dredging for flood hazard reduction is generally not for the primary purpose of obtaining fill material.</p> <p><b>Recommended change:</b> Revision to the associated policy language is recommended for internal consistency.</p>
Rec-7	6.07 Shoreline Stabilization – 6.07.02(B) Repair and Maintenance of Existing Shoreline Stabilization Structures	<p>1. c. Replacement of greater than 50 percent <del>or 35 feet of the</del> linear length of an existing shoreline stabilization structure, <del>whichever is smaller,</del> as measured on a cumulative basis since the structure was established, is not considered repair or maintenance, and is considered a new structure.</p>	<p><b>Recommended change:</b> The 35’ limit may make sense on densely developed shorelines with numerous small lots but may be overly restrictive in other areas. The recommended change preserves flexibility for homeowners with existing shoreline stabilization structures consistent with WAC 173-26-231(3)(a)(iii)(C).</p>
Rec-8	6.07 Shoreline Stabilization – 6.07.02(E) General Design Standards	<p>2. f. Fill behind shoreline stabilization structures is limited to one cubic yard per running foot of stabilization. Filling in excess of this amount shall be <del>considered a regulated activity</del> subject to the regulations in SMP Section 6.03 and require a shoreline substantial development permit or shoreline conditional use permit.</p>	<p><b>Recommended change:</b> Revision is recommended to improve clarity. All fill in shoreline jurisdiction is regulated as development under the SMP, with certain limited exceptions identified by the Legislature; the text recommended for deletion is misleading. The intent of this regulation is to ensure that fill associated with a shoreline stabilization structure that exceeds one cubic yard per linear foot of stabilization is also reviewed under the shoreline modification provisions of the SMP for fill.</p>

**ATTACHMENT 1: MONTESANO SMP PERIODIC REVIEW AMENDMENT – ECOLOGY INITIAL DETERMINATION OF CONSISTENCY**

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City's proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
Rec-9	7.05 Public Hearing and Decision – 7.05.03 Notice of Decision	B. Ecology, <u>consistent with the requirements of WAC 173-27-130;</u>	<b>Recommended change:</b> The SMP does not include administrative procedures for filing permits with Ecology and the Attorney General's Office as required in WAC 173-26-191(2)(a)(iii)(C). Unless addressed in city code elsewhere, the recommended addition ensures that the Shoreline Administrator is informed of the requirements for filing all shoreline permit decisions with Ecology.
Rec-10	7.06 Time Requirements and Revisions – 7.06.02 Revisions of Shoreline Permits	C. If the revision involves a shoreline variance or <u>shoreline</u> conditional use, <del>which was conditioned by Ecology,</del> the revision must be reviewed and approved by Ecology under the SMA.	<b>Recommended change:</b> The revision is recommended for consistency with WAC 173-27-100(6) which requires submittal of all revised shoreline conditional use and variance permits for Ecology review and decision, regardless of whether the original variance or conditional use permit was conditioned by Ecology.
Rec-11	7.07 Nonconforming Development	B. The nonconforming use and development standards in MMC <u>Chapter 17.45:</u> Nonconforming Uses, Lots and Structures <del>(as of Ord 136, 1995)</del> shall apply <del>to the in</del> <u>to the in</u> shoreline jurisdiction.	<b>Recommended change:</b> The City's intent in adding a reference to this specific ordinance is unclear. The Periodic Review checklist reads, "We added references to specific ordinances for external references to Montesano Municipal Code so that the codes as approved at the time of SMP adoption/Approval shall apply (and not future changes, where applicable)." It also reads, regarding this specific change, "We understand that the SMP must provide such specific documentation."  WAC 173-26-191(2)(a) requires a "specific, dated edition" of other regulations when they are incorporated by reference into the SMP. Such regulations effectively become part of the SMP and must be submitted to Ecology for review and approval as part of the SMP amendment package.  The referenced regulations (Chapter 17.45) contain provisions addressing development that is nonconforming <i>to the zoning code</i> (Title 17). As such it is not appropriate to incorporate them as-is into the SMP. If the City's intent is to apply them to development that is nonconforming <i>to the SMP</i> (with or without incorporating them by reference), language needs to be added to the SMP clarifying how this will work, particularly because several of the provisions in 17.45 are specific to the zoning code.  Alternatively, the SMP can include a courtesy reference to Title 17.45, reminding the reader that those provisions still apply in shoreline jurisdiction (for developments nonconforming to the zoning code).

# ATTACHMENT 1: MONTESANO SMP PERIODIC REVIEW AMENDMENT – ECOLOGY INITIAL DETERMINATION OF CONSISTENCY

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City’s proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
			Reference to a specific, dated version is not necessary. The recommended revisions reflect this approach.
Rec-12	7.09 Shoreline Master Program – Administration – 7.09.04 Annexation of a Shoreline of the State	A. <del>Except as provided in WAC 173-26-150, in</del> <u>In</u> the event of annexation of a shoreline of the state, the city <del>assuming jurisdiction</del> shall notify Ecology of such annexation and <del>develop or</del> amend the city’s SMP to include the annexed area. Such SMP <del>development or</del> amendment shall be consistent with the policy of RCW 90358.020 and the applicable guidelines and shall be submitted to Ecology for approval no later than one year from the effective date of annexation.	<b>Recommended change:</b> The City did not predesignate any shorelines within its Urban Growth Area. Revisions are suggested for improved clarity and consistency with WAC 173-26-160.
Rec-13	8 Definitions	<b>Date of Filing</b> – <del>The date of receipt by Ecology.</del> For a substantial development permit, the date of filing is the date of receipt by Ecology <u>of the city’s permit decision</u> .	<b>Recommended change:</b> Revisions ensure consistency with the changes in law made by the Legislature in 2011. “Date of filing” replaces “date of receipt,” and is equivalent to “date of receipt” only for substantial development permits. Ecology amended its rule (WAC 173-27-130) in 2017 to address this statutory change.
Rec-14	8 Definitions	<b>Recreational Facilities</b> – Facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of the SMP, recreational facilities are divided into two categories:  Water- <del>dependent</del> <u>oriented, including water-dependent, water-related, and water-enjoyment</u> (i.e. – moorage facilities, fishing piers, community docks); and  Non-water- <del>dependent</del> <u>oriented</u> (i.e. – sports fields, golf courses, and RV camping).	<b>Recommended change:</b> Revision is recommended for consistency with how recreational development is regulated according to subcategory within the SMP (see Tables 4-1 and 5-1). An alternative approach would be to remove entirely the description of subcategories within this definition.
REQ-4	8 Definitions	<b>Stream</b> – A naturally occurring body of periodic or continuously flowing water. <u>Shoreline waterbodies are those streams</u> where: a) the mean annual flow is greater than 20 cubic feet per second and b) the water is contained within a channel.	<b>Required change:</b> Changes are needed to ensure correct implementation of the City’s shoreline critical areas regulations for non-shoreline streams located within shoreline jurisdiction (e.g. Schofield Creek), consistent with the requirement that SMP provisions be “sufficient in scope and detail to ensure the implementation of the Shoreline Management Act” (WAC 173-26-191(2)(a)(ii)(A)).
Rec-15	Appendix 2: Critical Areas Regulations – 2.04 Effect of Data Maps – Applicability – 2.04.02 Applicability	This Appendix applies to all <del>real property areas</del> within the city’s shoreline jurisdiction, as defined in SMP Section 1.06 or amended in the future.	<b>Recommended change:</b> Revision is recommended for clarity and consistency with the application of the SMP and its critical areas regulations to all land and water areas within shoreline jurisdiction.

**ATTACHMENT 1: MONTESANO SMP PERIODIC REVIEW AMENDMENT – ECOLOGY INITIAL DETERMINATION OF CONSISTENCY**

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City’s proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
Rec-16	Appendix 2: Critical Areas Regulations – 2.06 Wetlands – 2.06.06 Wetland Buffers	4. The buffer widths in SMP Appendix 2: Table A2-1 and SMP Appendix 2: Table A2-3 <del>3</del> <u>assume that the buffer is vegetated with a native plant community appropriate for the ecoregion.</u>	<b>Recommended change:</b> Revisions is recommended to correct erroneous citation to Table A2-3.