

## Memorandum

To: Concrete Town Council  
From: Oscar Graham, Graham-Bunting Associates  
Subject: Shoreline Master Program Periodic Review  
Date: April 7, 2021

---



### Action Items from March 22<sup>nd</sup> Council Meeting

- ✓ Proceed with process by notifying the Department of Commerce of the Town's intent to adopt policies and regulations to the SMP

Notice to the Department of Commerce is required based on the role Commerce plays as a coordinating agency under the Growth Management Act. Notice will be provided through the issuance of a SEPA threshold determination which will be forwarded to the agency along with other agencies, tribes and interested parties.

- ✓ Coordinate with the Town Planner in the issuance of a SEPA threshold determination (Graham-Bunting Associates will complete the environmental checklist for non-project actions)

Graham-Bunting Associates prepared a SEPA checklist for the proposed non-project action. Because the action is limited in scope to amending portions of the current Shoreline Master Program and does not include structural development the checklist addresses only sections A and D. A copy of the draft checklist has been forwarded to the Town Planner for review prior to issuance of a threshold determination and circulation to agencies of interest and jurisdiction as well as the public at large.

- ✓ Continue to utilize regular meetings of the Town Council for public participation purposes

Tonight's Council meeting is the 3<sup>rd</sup> study session relating to the SMP periodic review. While the scope of proposed amendments are very limited, the procedural requirements adopted by Ecology require early and continuous opportunities for public participation. Those opportunities will continue through the SEPA comment period and public hearing process to adopt any proposed amendments. Ecology's regional shoreline planner (Lauren Bromley) has provided a notice that the Town may utilize to combine some of the procedural requirements associated with the periodic review. By combining required notices it may be possible to shorten the timeline for completion of the project. A copy of the combined notice is provided as an attachment to this memorandum. Highlighted portions will need to be completed as the procedural requirements are

addressed. Use of the combined notice will be coordinated and considered with the Town Planner.

- ✓ Assure that progress with SMP review and update is included on the Town’s website

Graham-Bunting Associates have continued to coordinate with the Town Clerk to assure that periodic review materials are included on the Town’s website. The website will be the primary method of disseminating information relating to the review to the public and other interested parties.

Related Progress on the Periodic Review since March 22<sup>nd</sup> Council Meeting

Proposed amendments have been included in a working draft of the SMP through edits indicated by strikeouts and highlighted underlines. The proposed amendments are listed by page number below and are registered directly to the analysis contained in the March 22<sup>nd</sup> memorandum and periodic review checklist.

Page #	Section/Action
26-28	7.1/7.2 Integration of Critical Areas - Add adoption date of current CARs/delete references to specific sections of previous CARs relating to wetlands
37	8.3 Clearing and Grading - Delete requirement of a conditional use permit (CUP) for commercial forestry not accompanied by development
38	8.3.2(a) Specify that forest practices limited to timber harvest do not require a CUP
40	8.3.6(a) Delete requirement of a CUP for timber harvest in Natural Shoreline Area designation
69	9.3.1(g) Add Ecology language relating to exemption of private non-commercial docks from the substantial development permit requirement including definition – delete current language
70	9.3.1(n) Add exemption for retrofitting existing structures for ADA compliance
70	9.3.2 (i)-(v) Add exceptions to SMP review for specific activities
71	9.3.3(i)-(ii) Add special procedures for WSDOT projects on state highways and re-collate

10. Add to definition of development that dismantling or removal of structures without associated development or re-development is not considered development

Attachment B CARs – Replace previous version of Town CARs with current 2020 revision. (Note: While the Towns CARs (CMC 16.12) are separate and distinct from the SMP (CMC 19.72), there is an obvious link between shoreline management and critical area protection. The majority of the Town’s critical areas, particularly wetlands and fish and wildlife habitat are located within SMP jurisdiction.)

Discussion - Confirmation of Shoreline Area Designation – Graham-Bunting Associates conducted a site inspection of the Town’s shorelines on March 25<sup>th</sup>. Conversations with the previous Town Planner suggested that the shoreline area designation along the right (west) bank of the Baker should be reviewed to determine if the Natural Shoreline Area Designation is appropriate based on site conditions.

The designation criteria for the Natural Shoreline Area are included in the current SMP as follow:

5.2.3 Designation criteria: A "natural" environment designation should be assigned to shoreline areas if any of the following characteristics apply:

(A) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

(B) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

(C) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. Shorelines inside or outside urban growth areas may be designated as "natural."

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies.

Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

Based on our site inspection we believe the designation criteria have been applied consistent with Ecology guidance contained under WAC 173-26-211. It should be noted that the left (east) bank along with the entire structure of the Lower Baker Dam is designated as High Intensity.

The Town of Concrete Shoreline Environment Designation Map is included in your packet for discussion purposes.