

## Chapter 4 - Shoreline Jurisdiction and Environment Designations

### What does the WAC say?

In general:

- Master programs shall contain a system to classify shoreline areas.
- Classification system shall be based on the existing use pattern, biological and physical character, and community goals per the comprehensive plan.
- "Classification system shall be consistent with that described in WAC 173-26-211 unless the alternative proposed provides equal or better implementation of the act."

The map:

- Local government must have and maintain a map of the SEDs.
- If it's not feasible to accurately designate individual parcels on a map, the program shall have a clear basis for identifying the SED boundaries on the ground.
- The master program should also make it clear that in the event of a mapping error, the descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to shorelands, as amended, will apply rather than the (incorrect or outdated) map
- The map and master program should note that all areas within shoreline jurisdiction have an automatic "rural conservancy" designation (or "urban conservancy" if within a UGA) or the comparable environment designation of the applicable master program until the shoreline can be re-designated through a master program amendment.

Comp Plan consistency:

- Under GMA shoreline master program policies are an element of the comprehensive plan and all elements be internally consistent.
- GMA also requires development regulations to be consistent with the comprehensive plan. The test is:
  - Provisions don't preclude one another.
  - Water-oriented uses, especially water-dependent uses, are not restricted from being on shorelines because of impacts to nearby non-water-oriented uses.
  - Infrastructure is in place to support shoreline use.

SED System:

- Must include purpose statement, designation criteria, management policies and regulations for each designation.
- Regulations must identify prohibited uses, permitted uses and uses that require Conditional Use Permit (CUP).
- Regulations must include standards for bulk, dimension, density, buffers/setbacks, etc.
- Ecology recommended designations:
  - Aquatic
  - Natural
  - Rural Conservancy
  - Shoreline Residential
  - Urban Conservancy
  - High Intensity
- May use parallel designations

2. CWD: What activities/uses are allowed, & where?

Aquatic -

- Any water-dependent use allowed in the adjoining upland. Water dependent uses that require a CUP in the adjacent upland require a CUP.

Natural -

- Aquaculture and low intensity water oriented recreation, agriculture, research.
- CUP required for: Essential public facilities (EPFs), forest practices, and water-oriented recreation not meeting criteria for low intensity recreation.

Conservancy -

- Single family development (SFDs) & duplexes
- Low intensity water oriented recreation, agriculture, research.
- Aquaculture, Ag, & forest practices.
- CUP required for: Multi family development (MFD), low intensity non-water oriented commercial, hydro facilities, institutional & EPFs, regional utility facilities, outfalls, mining.

Shoreline Residential (SR) -

- Residential.
- Water-oriented commercial.
- Water-oriented recreation.
- Agricultural and forest practices.
- Aquaculture.
- CUP required for: Non water-oriented commercial, hydro, regional utility facilities, transportation not serving a permitted use.

High Intensity (HI) -

- All residential, water-oriented commercial, industrial, recreation, Ag, and forest practices.
- CUP required for: same as above.

3. CWD: What activities are prohibited, & where?

Aquatic -

- Residential, Ag, forest practices, institutional, non water-oriented commercial, industrial & ports

Natural -

- All other residential.
- Commercial.
- Industrial and port development.
- Non-water-oriented recreation.
- Institutional.
- Transportation facilities not serving a specific approved use.
- Utility development consisting of transmission facilities not serving adjacent uses.
- Surface mining.

Conservancy -

- All other industrial and port development.
- Transportation not serving a permitted use.

Shoreline Residential (SR) –

- All other industrial and port development.
- Forest practices.
- Mining.

High Intensity (HI) –

- Aquaculture.

4. CWD: What are the primary performance standards?

- Generally the management policies are taken directly from the WAC. Some policies in the WAC are omitted here because they apply generally to all SEDs via Chapter 6 (ex: Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions) or they apply to a specific modification or use and are addressed in Chapter 7 or 8.
- Single family residential may be allowed via CUP in Natural only on existing lots of record and where there is no feasible location outside the shoreline. Further subdivision is not permitted.

5. CWD: What are the permit application requirements?

- Depends on the use (defined in subsequent chapters)

6. Questions/comments potential changes to CWD:

- Should aquaculture be allowed in Natural? Only non commercial aquaculture? Only low-intensity aquaculture (bottom culture v. floating)?
- Should aquaculture be allowed in HI?
- Add specific prohibition on docks in natural except those serving water-oriented recreation/public access? Could also go in Chapt 7.

## Chapter 5 – Shorelines of Statewide Significance

1. What does the WAC say?

- SMA Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways:
  - Sets specific preferences for uses of shorelines of statewide significance.
  - Calls for a higher level of effort in implementing its objectives on shorelines of statewide significance.
- RCW 90.58.020 states:
  - Interest of all of the people shall be paramount in the management of shorelines of statewide significance.
  - Ecology approves master programs relating only after determining the program provides the optimum implementation of the policy re: statewide interest.
  - Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

- Because shorelines of statewide significance are major resources from which all people of the state derive benefit, master program provisions shall implement the following for shorelines of statewide significance:

**Statewide interest:**

To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations.

**Preserving resources for future generations:**

Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

**Priority uses:**

Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW 90.58.020(1) through (7). More specifically:

- (i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the jurisdiction.
- (ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.
- (iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

**Resources of statewide importance:**

- (i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.
- (ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.
- (iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

**Comprehensive plan consistency:**

Assure that other comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically include policies that incorporate the priorities and optimum implementation directives of the SMA into comprehensive plan provisions and implementing development regulations.

2. CWD: What activities uses are allowed, & where?

- Depends on the specific activity and location as defined in Chapters 6-8 and in the SED chapter.

3. CWD: What activities are prohibited, & where?
  - Depends on the specific activity and location as defined in Chapters 6-8 and in the SED chapter.
4. CWD: What are the primary performance standards?
  - See items 1-14 in draft program.
5. CWD: What are the permit application requirements?
  - Depends on the specific activity and location as defined in Chapters 6-8 and in the SED chapter.
7. Questions/comments potential changes to CWD:
  - Do the policies under C, along with the rest of the program, address the WAC requirements?