



Thurston County Government

Shoreline Master Program

Land-use & Zoning Regulations for County Shorelines

Proposed Chapter 19.600 – Shoreline Use and Modification Development Standards

Andrew Deffobis, Associate Planner
4 March 2020



Overview

- Overview of Shoreline Management Act & State Guidance
- Description of State Law Exercise
- Planning Commission Discussion

Shoreline Modification vs. Use



- **Shoreline Modification:** means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.
- Shoreline modifications usually are undertaken in support of or in preparation for a **shoreline use**.
- For example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

3

Shall vs. Should



- As indicated in WAC 173-26-020...: The terms "**shall**," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "**should**" means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "**may**" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter.

4

RCW 90.58.020



- It is the policy of the state to provide for the management of...shorelines...by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure [shoreline] development...in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting...public rights of navigation and corollary rights incidental thereto.

5

RCW 90.58.020



- ...the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.
- ...uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.
- Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences..., ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access..., industrial and commercial developments...dependent on their location on or use of...shorelines...and other development that will provide an opportunity for substantial numbers of the people to enjoy...shorelines....

6

WAC 173-26-176 – General Policy Goals



- The utilization of shorelines for **economically productive uses** that are particularly dependent on shoreline location or use.
- The utilization of shorelines and the waters they encompass for **public access and recreation**.
- Protection and restoration of the **ecological functions** of shoreline natural resources.
- Protection of the **public right of navigation** and corollary uses of waters of the state.
- The protection and restoration of buildings and sites **having historic, cultural, and educational value**.
- Planning for **public facilities and utilities** correlated with other shoreline uses.
- Prevention and minimization of flood damages.
- Recognizing and protecting **private property rights**.
- Preferential accommodation of **single-family uses**.
- Coordination of shoreline management with other relevant local, state, and federal programs.

7

173-26-186 – Governing principles of guidelines



- 8. ...the act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the act.
- (a) Local government [must use]...a process that identifies, inventories, and ensures meaningful understanding of...[shoreline] ecological functions.
- (b) [SMPs] shall include policies and regulations designed to achieve no net loss of those ecological functions.
- (i) [SMPs] shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards...consistent with all relevant constitutional and other legal limitations on the regulation of private property.

8

WAC 173-26-221 – Public Access



Local master programs shall:

- (i) Promote and enhance the public interest with...rights to access waters...while protecting private property rights and public safety.
- (ii) Protect the rights of navigation and space necessary for water-dependent uses.
- (iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
- (iv) Regulate the design...and operation of permitted uses in the shorelines...to minimize, insofar as practical, interference with the public's use of the water.

(d) **Standards.** Shoreline master programs should implement the following standards:

- (i) ...establish policies and regulations that protect and enhance...physical and visual public access. ...[A]ddress public access on public lands. ...[S]eek to increase...public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights..., and public safety.
- (ii) Require that shoreline development by public entities...include public access measures as part of each development project...
- (iii) Provide standards for...public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required.
- (iv) Adopt provisions...to minimize the impacts to existing views from public property or substantial numbers of residences...
- (v) Assure that public access improvements do not result in a net loss of shoreline ecological functions.

9

WAC 173-26-231 – Shoreline modifications



- Allow structural shoreline modifications only where necessary to support/protect an allowed primary structure or a legally existing shoreline use in danger of loss/substantial damage, or are necessary for mitigation or enhancement purposes.
- Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Allow only shoreline modifications...appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. Modifications with a lesser impact on ecological functions are preferred. Mitigation of impacts is required.

10

WAC 173-26-241 – Shoreline uses



- Establish a system of use regulations and environment designation provisions...that gives preference to uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the shoreline.
- Ensure that SMP provisions concerning development are established to protect public health/safety, as well as land and its vegetation and wildlife, and to protect property rights while implementing SMA policies.
- Reduce use conflicts by including provisions to prohibit or apply special conditions to uses which are not consistent with control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the shoreline. Preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
- Establish use regulations which assure no net loss of shoreline ecological functions.

11

WAC 173-27-180 – Application requirements for SDPs, CUPs, Variances



- Project description, including proposed uses
- Description of property as it now exists, including physical characteristics and improvements
- Description of the vicinity of the proposed project, including adjacent uses, structures, intensity of development, physical characteristics
- Site development plan, including OHWM, land contours, wetland delineation, vegetation characteristics, dimensions of proposed structures
- Information about any filling or dredging
- Etc.

12



Planning Commission Discussion

13



Questions/Upcoming PC Review

SMP Topics for Upcoming Meetings:

- *Still to come, Study Halls on Chapter 19.600, 19.700, appendices*
 - *Review of Chapter 19.600 with Ecology standards.*
- *Final pre-hearing review of entire document*

14

Current and Proposed SMP Buffer Widths



1990 Shoreline Environment Designation	Standard Buffer Width
Urban Environment	20 ft or width prescribed in local zoning ordinance
Suburban Environment	50 ft
Rural	50 ft
Conservancy	100 ft
Natural	100 ft

1990

2012 Shoreline Environment Designation	Standard Buffer Width		
	Marine	Lakes	Streams
Urban Environment	250 ft	20 ft	250 ft
Suburban Environment	250 ft	50 ft	250 ft
Rural	50 ft	50 ft	250 ft
Conservancy	250 ft	100 ft	250 ft
Natural	250 ft	100 ft	250 ft

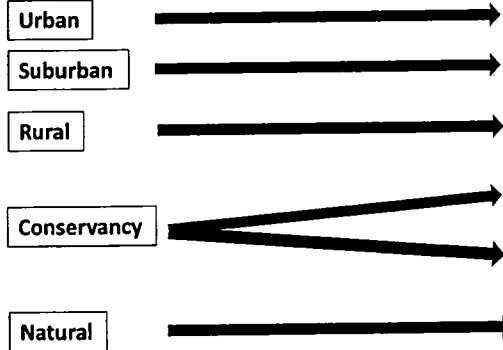
Current

Designation	Marine (Std./Reduced Buffer)	Lakes (Std./Reduced Buffer)	Streams
Shoreline Residential	50 ft*	50 ft*	250 ft
Urban Conservancy	125 ft/75-90 ft	125 ft/75-90 ft	250 ft
Rural Conservancy	150 ft/110 ft	150 ft/110 ft	250 ft
Natural	200 ft/150 ft	200 ft/150 ft	250 ft

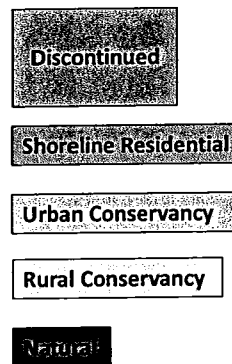
Draft SMP includes an option to retain the originally proposed 250 ft. buffers in marine and lake shorelines designated Natural.

Proposed

Current Shoreline Designations (1990)



Proposed Shoreline Designations (2020)



Shoreline Environment Designation	Purpose (as described in draft SMP)
Shoreline Residential	To accommodate residential development and appurtenant structures that are consistent with this Program, and to provide appropriate public access and recreational uses.
Urban Conservancy	To protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.
Rural Conservancy	Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources.
Natural	To protect those shoreline areas that are relatively free of human influence, and/or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes. Restoration of degraded shorelines should be planned within this environment.
Aquatic	To protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM).



