

# Chapter 19.200 Shoreline Jurisdiction and Environment Designation

## 19.200.100 Shoreline Jurisdiction

- A. The Shoreline Master Program jurisdiction applies to all shorelines of the state in Thurston County and their associated shorelands. This includes:
1. All marine waters;
  2. Rivers and streams with more than 20 cubic feet per second (cfs) mean annual flow;
  3. Lakes and reservoirs 20 acres and greater in area;
  4. Associated wetlands;
  5. Shorelands adjacent to these waterbodies, typically within 200 feet of the ordinary high water mark (OHWM);
  6. Buffers necessary to protect critical areas that are located within shoreline jurisdiction as described in this program.\*
- \*- *optional jurisdiction*
- B. Associated estuarine wetlands: the jurisdictional boundary shall extend 200 feet landward of the delineated edge of the wetland.
- C. Associated wetlands that extend greater than 200 feet landward of the OHWM of the shoreline: the jurisdictional boundary shall extend to the delineated edge of the wetland.
- D. Critical areas designated pursuant to Chapter 36.70A RCW and located within shoreline jurisdiction shall be subject to the regulations of this Program.

## 19.200.105 Shoreline Environment Designations

In order to plan and manage shoreline resources effectively and to provide a uniform basis for applying policies and regulations within distinctively different shoreline areas, a system of categorizing shoreline areas is necessary. Under the following system, shoreline environment designations are given to specific areas based on the existing development pattern, the biophysical capabilities and limitations of the shoreline being considered for development, the provisions of WAC 173-26-211 and the goals and aspirations of the citizens of Thurston County as expressed in the Comprehensive Plan. The existing development pattern and the biophysical information of the shoreline was compiled in a *Thurston County Shoreline Master Program Update Inventory and Characterization Report* (Thurston County 2013) and was included as the basis for the environment designations.

Environment designation assignment to shoreline reaches must assure the protection of existing shoreline ecological functions with the proposed pattern and intensity of development as well as be consistent with policies for restoration of degraded shorelines [WAC 173-26-211 (4) (b)].

Thurston County is using five of the six Ecology recommended Shoreline Environment Designations (SED's) and criteria consistent with Ecology's provided criteria for each of the environment designations:

Aquatic, Natural, Urban Conservancy, Rural Conservancy, and Shoreline Residential [WAC 173-26-211(5)]. Thurston County does not have any “High Intensity” shorelines within its jurisdiction. In addition to the five Ecology recommended SEDs, Thurston County is proposing to use one additional SED: Mining (*Shoreline and Environmental Designations Report*, Thurston County 2013). A map of the environment designations can be found in Appendix A.

This Program is designed to encourage, in each environment, uses which enhance the character of that environment. At the same time, the Program imposes reasonable standards and restrictions on development so that such development does not disrupt or destroy the character of the environment or result in a net loss of shoreline ecosystem functions.

The shoreline environment designations are not intended to be land use designations. They do not imply development densities, nor are they intended to mirror the Comprehensive Plan designations. The system of categorizing shoreline environment designations is derived from Chapter 173-26 WAC.

The basic intent of this system is to utilize performance standards that regulate activities in accordance with goals and objectives defined locally rather than to exclude any use from any one environment. Thus, the particular use or type of developments placed in each environment must be designed and located so that there are no effects detrimental to achieving the objectives of the shoreline environment designations and local development criteria.

This approach provides an “umbrella” environment class over local planning and zoning on the shorelines. Since every area is endowed with different resources, has different intensities of development and attaches different social values to these physical and economic characteristics, the environment designations should not be regarded as a substitute for local planning and land-use regulations.

## 19.200.110 Mining

- A. Purpose. To protect shoreline ecological functions in areas with mining activities within shoreline jurisdiction. To provide sustained resource use, and protect the economic base of those lands and limit incompatible uses.
- B. Designation Criteria.
  - 1. Outside incorporated municipalities and outside urban growth areas, AND:
  - 2. Contains shorelines created from mining activity in areas where no previous naturally occurring SMA shoreline existed.
- C. Management Policies.
  - 1. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.
  - 2. Non-water-oriented uses should not be allowed except:
    - a. As part of mixed used development;
    - b. In limited situations where they do not conflict with or limit opportunities for water-oriented uses; or
    - c. On sites where there is no direct access to the shoreline.
  - 3. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

4. Where feasible, visual and physical public access should be required.
5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
6. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Consideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

### 19.200.115 Shoreline Residential

- A. Purpose. To accommodate residential development and appurtenant structures that are consistent with this Program, and to provide appropriate public access and recreational uses.
- B. Designation Criteria.
  1. Does not meet the criteria for the Natural or Rural Conservancy Environments.
  2. Predominantly single-family or multifamily residential development or are planned and platted for residential development.
  3. Majority of the lot area is within the shoreline jurisdiction.
  4. Ecological functions have been impacted by more intense modification and use.
- C. Management Policies.
  1. Standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to assure no net loss of shoreline ecological functions.
  2. Multi-family and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. If public access is not feasible on site, off-site options such as an in-lieu fee may be recommended.
  3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
  4. Commercial development should be limited to water-oriented uses. Water-oriented includes water-dependent, water-related and water-enjoyment uses.

### 19.200.120 Urban Conservancy

- A. Purpose. 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.
- B. Designation Criteria. Shoreline areas within UGAs or LAMIRDs that are appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area and generally are not suitable for water-dependent uses. Such areas must also have any of the following characteristics:
  1. Area suitable for low-intensity water-related or water-enjoyment uses without significant adverse impacts to shoreline functions or processes;
  2. Open space, flood plain or other sensitive areas that should not be more intensively developed or supporting resource-based uses;

3. Potential for ecological restoration;
4. Retained important ecological functions, even though partially developed; or
5. Potential for development that is compatible with ecological restoration or Low Impact Development techniques.
6. Does not meet the designation criteria for the Natural Environment.
7. Land having any of the above characteristics and currently supporting residential development may be Urban Conservancy, as may those areas into which a UGA boundary is expanded and thus has any of the above characteristics.

C. Management Policies.

1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or other sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration or preservation of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2. Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications shall ensure that new development does not result in a net loss of shoreline ecological functions, or further degrade other shoreline values.
3. Public access and public recreation objectives should be implemented whenever feasible and ecological impacts can be mitigated.
4. Water-oriented uses should be given priority over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
5. Any development in the Urban Conservancy designation should implement Low Impact Development techniques, as much as is feasible, in order to maintain ecological functions.

## 19.200.125 Rural Conservancy

- A. Purpose. Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources.
- B. Designation Criteria. Shorelines outside the UGA or LAMIRD that have any of the following characteristics:
1. Currently support lesser-intensity resource-based uses, such as agriculture, aquaculture, forestry, or recreational uses, or are designated agriculture or forest lands;
  2. Currently accommodate residential uses but are subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;
  3. Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes;
  4. Private and/or publically owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access;
  5. Does not meet the designation criteria for the Natural environment;
  6. Land designated Urban Conservancy and from which a UGA boundary is retracted may be designated as Rural Conservancy, if any of the above characteristics are present.

C. Management Policies.

1. Uses should be limited to those which sustain the shoreline area's physical and biological resources, and those of a non-permanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. Developments or uses that would substantially degrade or permanently deplete the physical and biological resources of the area should not be allowed.
2. New development should be designed and located to preclude the need for shoreline stabilization. New shoreline stabilization or flood control measures should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied.
3. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the "Rural Conservancy" environment.
4. Low-intensity, water-oriented commercial uses may be permitted in the limited instances where those uses have been located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.
5. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline area are mitigated.
6. Agriculture, commercial forestry and aquaculture, when consistent with the Program, may be allowed.

## 19.200.130 Natural

- A. Purpose. 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.
- B. Designation Criteria. Shorelines having a unique asset or feature considered valuable for its natural or original condition that is relatively intolerant of intensive human use. This includes shorelines both in and out of the UGA or LAMIRD when any of the following characteristics apply:
1. The shoreline is ecologically intact and currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; or
  2. The shoreline is considered to represent ecosystems and geologic types that are of scientific and educational interest;
  3. The shoreline is unable to support new development or uses without adverse impacts to ecological functions or risk to human safety.
  4. The shoreline includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.
  5. Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.
  6. Generally free of structural shoreline modifications, structures, and intensive human uses.
- C. Management Policies.

1. Any use that would substantially degrade or result in a net loss of ecological functions or natural character of the shoreline area should not be allowed. The following new uses should not be allowed: commercial, industrial and non-water-oriented recreation.
2. Any alteration should be designed with low impact development methods, or be capable of restoration to the natural condition, where feasible. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
3. Single-family residences, roads, parking areas and utility corridors may be allowed as a conditional use only if they cannot be located outside the Natural Designation or shoreline jurisdiction, provided that the density and intensity of such use is limited to protect ecological functions and is consistent with the purpose of the designation.
4. Low-intensity, water-oriented recreational access, scientific, historical, cultural, educational research uses may be allowed provided that no significant ecological impact on the area will result.

### 19.200.135 Aquatic

- A. Purpose. To protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM).
- B. Designation Criteria. Lands waterward of the OHWM, which include tidelands, bedlands, and lands beneath freshwater shorelines of the state (may also include wetlands).
- C. Management Policies.
  1. New over-water structures and development on navigable waters and their beds should be allowed only for water-dependent uses, public access or ecological restoration, and when:
    - a. They do not preclude attainment of ecological restoration; and
    - b. The size of the new over-water structure is limited to the minimum necessary to support the structure's intended use; and
    - c. Multiple use of the over-water facility has been encouraged; and
    - d. The structure or use is located and designed to minimize interference with surface navigation, to consider impacts to public views, to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration and to ensure that the project does not conflict with existing water dependent uses; and
    - e. The use or modification is designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
  2. When new over-water structures are proposed for residential development of two or more dwellings, joint use or community dock facilities should be utilized rather than single-use facilities.
  3. Development should be compatible with the adjoining upland designation.
  4. Existing over-water residences may continue through normal maintenance and repair, but should not be enlarged or expanded. New over-water residences should be prohibited.
  5. Applicants for any use or modification should schedule a staff consult to review the site conditions, and potential habitats and species. This consult should result in a general understanding of applicable development standards for the proposal.
  6. Development over or in critical freshwater or saltwater habitats should be limited to those which mitigate impacts according to mitigation sequencing, and development standards for that development activity.

## 19.200.140 Official Shoreline Map

- A. As part of this Program, there is one official Thurston County Shoreline Environment Designations Map, which shall be in the custody of the Department of Resource Stewardship and available for public inspection during normal business hours and on the Thurston County website. Unofficial copies of the official map or portions thereof may be included or distributed with copies of this Program (see Appendix A).
- B. The purpose of the official Shoreline Environment Designations Map is to depict graphically those areas of Thurston County falling under the jurisdiction of this Program, and the shoreline environment designations of those areas.

## 19.200.145 Map Boundaries and Errors

- A. Mapping Boundaries. Where the exact location of a jurisdiction or environment designation boundary line is uncertain, the official Shoreline Environment Designations Map will be used to determine the location of such line. When resorting to the Shoreline Environment Designations Map does not resolve the conflict, the following rules will apply:
  - 1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines;
  - 2. Boundaries indicated as approximately following lot, fractional section or other subdivision lines shall be construed as following such subdivision lines;
  - 3. Boundaries indicated as approximately following any lines of corporate limits or other local government jurisdictional lines shall be construed as following such lines;
  - 4. Boundaries indicated as following railroad lines shall be construed as following the center line of the railroad right-of-way;
  - 5. Boundaries indicated as parallel to or extensions of features identified in subsections 1. through 4. above shall be so construed;
  - 6. Boundaries between parallel environment designations shall be construed as the top of the bluff or vegetation line that distinguishes existing development from the critical area abutting the shoreline;
  - 7. When not specifically indicated on the Shoreline Environment Designations Map, distances shall be determined by the scale of the map;
  - 8. Where existing physical or cultural features are at variance with those shown on the Shoreline Environment Designations Map and cannot be determined with certainty by applying subsections one through six above, the Director shall determine the location or existence of such feature utilizing the provisions of WAC 173-27-211, the policies of RCW 90.58.020, TCC 24.01.040, and the corresponding Master Program provisions herein; and
  - 9. Where a parcel within the shoreline jurisdiction is separated from the water by an existing developed road or an additional parcel that serves to create a distinct break in connectivity to the shoreline, the parcel on the landward side may not be required to meet certain development regulations for that designation (such as public access, water-oriented use, or vegetation conservation standards), provided all other applicable provisions of this Program are met, including no net loss of shoreline ecological functions.
- B. Mapping Errors. Some mapping errors may be adjusted prior to a Master Program amendment to assign the appropriate designation to that area by the following methods:



1. The common boundary descriptions and the criteria in RCW 90.58.030(2) and Chapter 173-22 WAC supersede the map when there are mapping error conflicts, other than those with a solution provided in this section.
2. In the event that a jurisdictional area is not mapped, it will automatically be assigned a “Rural Conservancy” or “Urban Conservancy” designation depending on its location outside or inside of a UGA or LAMIRD. Such designation will apply until a Master Program amendment is approved that assigns the appropriate designation to the subject area.
3. In the event that a parcel was inadvertently assigned more than one designation, the more restrictive designation shall apply.
4. In the event that a parcel on the boundary between two designations appears to be a mapping error based on the criteria in this section, the County shall apply the most appropriate of the two designations, until such time as the map can be formally corrected consistent with WAC 173-26-100 and Section 19.500.105(I) (Shoreline Master Program Amendment).
5. In the event of an environment designation mapping error where the Master Program update or amendment record, including the public hearing process, is unclear in term of the correct environment designation to apply to a property, the County shall apply the environment designation approved through the Master Program Update or Amendment process and correct the map.
6. If the environment designation criteria were misapplied, but the update or amendment record, including the public hearing process, does not clearly show that a different designation was intended to be shown on the map, a Master Program amendment may be obtained consistent with WAC 173-26-100 and Section 19.500.105(I) (Shoreline Master Program Amendment). This process is intended to allow for reasonable corrections to the Shoreline Environment Designation process. Such process shall include early consultation with the Department of Ecology and other agencies with jurisdiction, affected tribes, and appropriate public notification prior to local approval. Current designations are reflected in the Shoreline Environment Designations Map (Appendix A).