

## Chapter 19.300 General Goals and Policies

### 19.300.050 Applicability

- A. The general goals and policies of this chapter apply to all use and development activities within the Program's jurisdiction, regardless of environment designation. As provided in WAC 173-26-191, these policies are the basis for regulations that govern use and development along the shoreline. Some Program policies may not be fully achievable by regulatory means, but may be pursued by other means as provided in RCW 90.58.240.
- B. Regulation of administrative actions contained herein must be implemented with consideration to the Public Trust Doctrine, regulatory takings, and other applicable legal principles as appropriate.

### ~~19.300.100 Shorelines of Statewide Significance~~

#### ~~A. Designation~~

~~The Shoreline Management Act designates certain shoreline areas as shorelines of statewide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people of the state derive benefit, the statewide interest should be recognized and protected over the local interest.~~

~~Those areas that have been designated as shorelines of statewide significance (RCW 90.58.030) in Thurston County are:~~

- ~~1. Puget Sound—those areas lying seaward from the line of extreme low tide.~~
- ~~2. Nisqually Delta—From DeWolf Bight to Thurston County line, from the line of extreme low tide to the OHWM.~~
- ~~3. Chehalis River—From Lewis-Thurston County line downstream to the Thurston-Grays Harbor County line, excluding all federal lands. The flow exceeds 1,000 cubic feet per second (cfs) mean annual flow (MAF) at Lewis County line.~~
- ~~4. Nisqually River—From the Pierce-Thurston County line in Alder Reservoir downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary. The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.~~
- ~~5. Alder Lake—That portion of the lake from the Pierce County line up to the OHWM.~~
- ~~6. Shorelands and wetlands associated with 1-5 through 5 above.~~

## **B. 19.300.100-County-wide Policies-Shorelines of Statewide Significance**

**Goal: To ensure that the statewide interest is recognized and protected over the local interest in shorelines of statewide significance, the County shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies (in order of preference):**

1. Policy SH-1 Recognize and protect the statewide interest over local interest.
  - a. The Washington Departments of Fish and Wildlife and Ecology, affected tribes, other resources agencies, and interest groups should be consulted for development proposals that could affect anadromous fisheries or other priority species or habitats.
  - b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations.
  
2. Policy SH-2 Preserve the natural character of the shoreline.
  - a. Administer shoreline environments and regulations to avoid and minimize damage to the unique character and ecology of shorelines of statewide significance.
  - b. Where natural resources of statewide importance are being diminished over time by human activities, restoration of those resources should be facilitated.
  - c. In order to reduce adverse impacts to the environment while accommodating future growth, new intensive development activities should upgrade and redevelop those areas where intensive development already occurs, rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.
  
3. Policy SH-3 Result in the long term over short term benefit.
  - a. Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources, such as shellfish beds and navigable harbors.
  - b. Severely limit aActions that would convert resources into irreversible uses or detrimentally alter natural conditions that are characteristic of shorelines of statewide significance. ~~should be severely limited.~~
  - c. Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.
  - d. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or for the general enhancement of shoreline areas.
  - e. Actively support programs which recognize the stewardship role of shoreline residential owners and promote their voluntary management of their shorelines.

4. Policy SH-4 Protect the resources and ecology of the shoreline.
  - a. Projects ~~should~~ shall consider incremental and cumulative impacts while ensuring no net loss of shoreline ecosystem processes and functions.
  - b. In order to ensure the long-term protection of ecological resources of statewide importance, activities impacting anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds and other unique environments should be severely limited.
  - c. Public access should be limited where ~~improvements~~ development would result in a loss of shoreline ecological functions, such as in priority or sensitive habitats.
  - d. Herbicides and insecticides should only be used to respond to non-native pests and invasive vegetation infestations.
5. Policy SH-5 Increase public access to publicly owned areas of the shorelines.
  - a. Preserve and encourage public access with special scenic or cultural qualities.
  - b. ~~Partner with other agencies and entities to Give~~ prioritize ~~to~~ developing ~~unpaved, pervious~~ paths and trails to shoreline areas and linear access along the shorelines, where appropriate.
  - c. Locate development, including parking, as far inland from the OHWM as is feasible so that access is enhanced.
6. Policy SH-6 Increase recreational opportunities for the public in the shoreline.
  - a. Public access and recreation requirements should take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines.
  - b. Plan for and encourage recreational opportunities use of the shorelines, but reserve areas for lodging and related facilities on uplands well away from the shoreline, with provisions for non-motorized access to the shorelines.

## 19.300.105 Critical Areas and Ecological Protection

**Goal: Protect and conserve shoreline natural resources, including protection of critical areas (Title 24 TCC, as referenced in 19.400.115), while accommodating reasonable and appropriate uses which will assure, at a minimum, no net loss to shoreline ecological functions and processes.**

- A. Policy SH-7 Protect and conserve shoreline areas that are ecologically intact and minimally developed or degraded. Develop incentives and regulations for privately owned shorelines that will protect and conserve these areas while allowing reasonable and appropriate development.
- B. Policy SH-8 Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.
- C. Policy SH-9 Utilize transfer of development rights as allowed by Chapter 20.62 TCC, or as now or hereafter amended, as an option to protect ecological functions.

- D. Policy SH-10 Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
4. Reduce or eliminate the impact over time by preservation and maintenance operations **during the life of the action**;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu-fee process where appropriate; and
6. Monitor the impact and the mitigation projects and take appropriate corrective measures.

- E. Policy SH-11 Shoreline ecological functions that should be protected include, but are not limited to:

1. Habitat (space or conditions for reproduction; resting, hiding and migration; and food production and delivery);
2. Water quality maintenance; and
3. Water quantity maintenance.

- F. Policy SH-12 Shoreline processes, both freshwater and marine, that should be protected to support the above functions include, but are not limited to the delivery, loss and movement of:

1. Sediment,
2. Water,
3. Nutrients,
4. Toxins,
5. Pathogens, and
6. Large woody material.

- G. Policy SH-13 In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be taken into account:

1. On-site and off-site impacts;
2. Immediate and long-term impacts;
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

- H. Policy SH-14 Critical areas in the shoreline jurisdiction shall be protected in a manner that results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5) and 24.01.020 TCC, critical areas include:

1. Critical Aquifer Recharge Areas

2. Fish and Wildlife Habitat Conservation Areas
3. Frequently Flooded Areas
4. Geologically Hazardous Areas
5. Wetlands

## 19.300.110 Vegetation Conservation

**Goal: Conserve, protect and restore native shoreline vegetation to provide for ecological and habitat functions as well as human health and safety. These functions include, but are not limited to, variable shading of the nearshore, food and shelter for terrestrial and aquatic organisms, and slope/soil stabilization.**

- A. Policy SH-15 Preserve native plant communities on marine, river, lake and wetland shorelines. In order to maintain shoreline ecological functions and processes, development along the shoreline should result in minimal direct, indirect, or cumulative impacts. This includes:
  1. Keeping overhanging vegetation intact along the shoreline edge to provide shading and other ecological functions;
  2. Preserving established areas of native plants and minimizing clearing and grading near bluff edges and other erosion or landslide-prone areas in order to maintain slope stability and prevent excess surface erosion and stormwater runoff; and
  3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
  4. Removal of noxious weeds in accordance with WAC 16-750-020.
- B. Policy SH-16 Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Unless approved by the Director or their designee, non-native vegetation is prohibited within critical areas, their buffers, and associated setbacks.
- C. Policy SH-17 Maintaining native or ecologically functional vegetation is preferred over clearing to provide views or lawns. Limited and selective clearing may be allowed when slope stability and ecological functions are not compromised. Limited trimming and pruning is preferred over removal of native vegetation.

## 19.300.115 Water Quality and Quantity

**Goal: Provide regulations and voluntary incentives to encourage practices which protect water quality and reduce stormwater runoff and erosion in order to protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and its aquatic life.**

- A. Policy SH-18 Shoreline use and development should minimize impacts that contaminate surface or ground water, cause adverse effects on shoreline ecological functions, or impact

aesthetic qualities and recreational opportunities, including; but not limited to, healthy shellfish harvest, swimming, and boating.

- B. Policy SH-19 Ensure mutual consistency with other regulations that address water quality and stormwater quantity, including standards as provided for in TCCTitle 15.05 (Thurston County Storm Water Standards) and Chapter 173-201A WAC (Water Quality Standards).
- C. Policy SH-20 Utilize pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such practices ~~could~~ will reduce stormwater runoff.
- D. Policy SH-21 All shoreline use and development shall be conducted in accordance with Chapter 24.20 TCC (Frequently Flooded Areas). The subdivision of land should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. When evaluating alternate flood control measures or floodplain restoration opportunities, consider the removal or relocation of structures in flood-prone areas.

## 19.300.120 Economic Development

**Goal: Provide for the location and design of industries, transportation, port and tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use, when the shoreline can accommodate such development.**

- A. Policy SH-22 Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Thurston County Comprehensive Plan, or areas appropriate for water-oriented recreation.
- B. Policy SH-23 Water-oriented economic development, such as those aquaculture activities encouraged under the Washington Shellfish Initiative, should be encouraged and shall be carried out in such a way as to minimize adverse effects and mitigate unavoidable adverse impacts to achieve no net loss of shoreline ecological functions.

## 19.300.125 Historic, Archeological, Scientific, Cultural and Educational Resources

**Goal: Protect shoreline features of historic, archaeological, cultural, scientific and educational value or significance through coordination and consultation with the appropriate local, state and federal authorities, affected Indian tribes, and property owners.**

- A. Policy SH-24 Prevent damage or destruction of historic, archaeological, scientific, cultural and educational (HASCE) sites through coordinated identification, protection and management with

the appropriate local, state and federal authorities and registrars, affected Indian tribes, and property owners.

- B. Policy SH-25 Provide opportunities for education and appreciation related to HASCE features where appropriate and where maximum protection of the resource can be achieved.

## 19.300.130 Shoreline Use and Site Planning

**Goal: Preserve and develop shorelines in a manner that allows for an orderly balance of uses by considering the public and private use, along with the development of shorelines and adjacent land areas with respect to the general distribution, location and extent of such uses and development.**

- A. Policy SH-26 For shoreline use and development activities, including plats and subdivisions at full build-out, employ innovative development features to achieve no net loss of ecological functions, such as sustainable and low impact development practices where appropriate.
- B. Policy SH-27 Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 19.300.100(B) ~~above~~.
- C. Policy SH-28 Designate and maintain appropriate areas for protecting and restoring shoreline ecological functions and processes to control pollution and prevent damage to the shoreline environment and/or public health.
- D. Policy SH-29 Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.
- E. Policy SH-30 Aquaculture is of statewide interest. Properly managed, it can result in long-term, over short-term, benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with the control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- F. Policy SH-31 Potential locations for aquaculture activities are relatively restricted by water quality, temperature, dissolved oxygen content, currents, adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, some latitude should be given when implementing the regulations of this section, provided that potential impacts on existing uses and shoreline ecological functions and processes should be given due consideration. However, experimental aquaculture projects in water bodies should include conditions for adaptive management. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in Washington.

- G. Policy SH-32 Aquaculture activities should be located, designed and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.
- H. Policy SH-33 Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquaculture is not required to protect state-listed noxious weed species when control methods are conducted within applicable agency standards. In general, the following preferences apply when considering new aquaculture activities:
  - 1. Projects that ~~are not likely to~~ will not negatively impact critical saltwater habitats.
  - 2. Projects that involve little or no substrate modification.
  - 3. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application.
- I. Policy SH-34 Aquaculture facilities should be designed and located to avoid:
  - A. the spread of disease to native aquatic life;
  - B. the establishment of new non-native species, which cause significant negative ecological impacts; and
  - C. significant impact to the aesthetic qualities of the shoreline.
- J. Policy SH-35 Upland uses and modifications should be properly managed to avoid degradation of water quality of existing shellfish areas.
- K. Policy SH-36 Planting and harvesting by boat shall be preferred over low-tide harvest methods where feasible.
- L. Policy SH-37 Non-commercial ~~and or~~ small scale aquaculture projects should be encouraged through the shoreline exemption process [Section 19.500.100(C)].
- M. Policy SH-38 In order to facilitate more conforming uses in the shoreline environment provide an administrative Type I permit option to permit reconstruction or remodels of non-conforming structures that propose to make the structures and uses more conforming using innovative design techniques and/or by moving structures further landward of critical areas, their buffers and setbacks or, to the maximum extent possible, remove the structures completely from critical areas, their buffers, and setbacks.

## 19.300.135 Public Access and Recreation

**Goal: Provide physical and visual public access opportunities and space for diverse forms of water-oriented recreation in such a way that private property rights, public safety, and shoreline ecological functions and processes are balanced and protected in accordance with existing laws and statutes.**

- A. Policy SH-39 Protect the public's opportunity to enjoy the physical and visual qualities of the shoreline by balancing shoreline use and development in such a way that minimizes interference



with the public's use or enjoyment of the water while protecting private property rights. This may be achieved through regulatory provisions, incentives or other cooperative agreements.

- B. Policy SH-40 Evaluate site-appropriate types and methods of required public access when reviewing all public shoreline development projects and private subdivision of land into more than four parcels. Based on project-specific circumstances, this may include physical or visual access on or off site.
- C. Policy SH-41 Acquire, maintain and improve diverse physical and visual shoreline access through public and private efforts. This should be accomplished in a comprehensive and prioritized manner through the use of existing plans and programs, including those that address population growth and shoreline access demands such as the Thurston County Comprehensive Plan, the Thurston County Parks, Recreation, Trails and Natural Resource Preserve Plan (2013) Plan, and other port and state park plans.
- D. Policy SH- 42 Publically owned, undeveloped road-ends, tax-title lands and right-of-ways adjacent to salt and freshwater shorelines should be evaluated for use as public access points. These lands may be developed for access by a community organization, consistent with Chapter 13.56 TCC as now or hereafter amended.
- E. Policy SH-43 Use shoreline public access points to enhance the public's understanding and appreciation of shoreline ecology, cultural history, maritime heritage, and location specific rules and boundaries by incorporating educational and interpretive signage and other tools into public access facilities.
- F. Policy SH-44 Encourage linkage of shoreline parks, upland recreation opportunities and water-oriented opportunities.
- G. Policy SH-45 Encourage the acquisition of public shoreline recreational lands through a variety of means including fee purchase, acquisition of easements, options, development rights, and Conservation Futures.
- H. Policy SH-46 Encourage coordination between public agencies, land owners, non-profit organizations, land trusts, private developers, and others in their plans and activities to provide a wide variety of recreational opportunities on public shorelines.

## 19.300.140 Restoration and Enhancement

**Goal: Re-establish, rehabilitate and enhance or otherwise improve impaired shoreline ecological functions and processes through voluntary and incentive-based public and private programs and actions that are consistent with the *Shoreline Restoration Plan* (Appendix C). (Note: this section does not address required mitigation sequencing related to specific development proposals; see Section 19.400.110(A) for mitigation standards.)**

- A. Policy SH-447 Integrate and facilitate voluntary and incentive-based cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.

- B. Policy SH-4~~58~~ Identify restoration opportunities through sources such as the *Thurston County Shoreline Master Program Update Inventory and Characterization Report*, salmon recovery plans, local watershed plans, Puget Sound Nearshore Ecosystem Restoration Project (PSNERP), and the Salmon Recovery Lead Entity Habitat Work Schedule, and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects. This shall be accomplished through the *Shoreline Restoration Plan* (Appendix C), which addresses the following:
1. Identification of degraded areas and sites with potential for ecological restoration;
  2. Restoration goals and priorities;
  3. Existing and on-going projects and programs;
  4. Additional projects and programs to achieve the restoration goals;
  5. Funding sources, timelines and benchmarks for implementation; and
  6. Monitoring effectiveness of restoration projects.
- C. Policy SH-4~~69~~ Encourage and facilitate restoration and enhancement projects for Priority Habitats and Species (Washington Department of Fish and Wildlife, PHS Program).
- D. Policy SH-4~~750~~ Shoreline ecosystem protection and restoration projects shall be prioritized, located and designed utilizing the most current, accurate and complete scientific and technical information available to promote resiliency of habitats and species.

## 19.300.145 Transportation and Utilities

**Goal: Plan, locate and design transportation systems and essential utility facilities in shoreline areas where they will have the least possible adverse effect on shoreline ecological functions and/or processes and existing or planned water-dependent uses.**

- A. Policy SH-4~~851~~ Plan, locate and design proposed transportation, parking facilities, and utility facilities where routes will avoid a net loss of shoreline ecological functions or will not adversely impact existing or planned water-dependent uses.
- B. Policy SH-4~~952~~ Parking facilities in shorelines are not a preferred use. Such facilities ~~shall~~ should only be allowed as necessary to support an authorized use and only when environmental and visual impacts are avoided and minimized.
- C. Policy SH-5~~053~~ New or expanded transportation routes and essential utility facilities ~~shall that~~ cannot be located outside of shoreline jurisdiction should, to the extent feasible:
1. Be located in areas that do not require shoreline stabilization, dredging, extensive cut/fill and other forms of shoreline alteration;
  2. Be limited to local access and public shoreline access routes;
  3. Be located in existing rights of way and corridors.
  - ~~4. Not be built within shoreline jurisdiction when other options are available.~~

- D. Policy SH-~~5154~~ Transportation and utility projects ~~shall should be consistent with and~~ incorporate the public access ~~policies and plans of this Program.~~
- E. Policy SH-~~5255~~ When feasible, roads built within shoreline jurisdiction should provide for alternate modes of travel, including pedestrian, bicycle and public transportation, where appropriate.
- F. Policy SH-~~5356~~ Maintenance of existing transportation corridors and utility facilities ~~shall should~~ be carried out in a manner that:
1. will avoid a net loss of shoreline ecological functions; ~~and~~
  2. mitigates for unavoidable impacts; and
  3. where feasible and appropriate, improves shoreline ecological functions.

~~Unavoidable adverse impacts shall be mitigated.~~

## C. South Puget Sound Policies

**Goal: Work with the Alliance for a Healthy South Sound (AHSS) to incorporate the South Sound Strategy as a way to protect and conserve shoreline natural resources, including protection of critical areas (Title 24 TCC), while accommodating reasonable and appropriate shoreline development uses which will assure, at a minimum, no net loss to shoreline ecological functions and processes.**

1. Policy SH-~~5457~~ Thurston County recognizes that South Puget Sound includes a unique and significant marine and freshwater resources. As such, Thurston County should work to minimize use conflicts, exercise responsibility toward the South Sound's resources, and require commitment to water-quality, and water-quantity preservation.
2. Policy SH-~~5558~~ In planning for the future development of South Puget Sound, the statewide interest should be protected over the local interest.
3. Policy SH-~~5659~~ The Alliance for a Healthy South Sound (AHSS) is a regional organization comprised of Thurston, Kitsap, Pierce and Mason County governments, and the Squaxin Island, Nisqually, and Puyallup tribes. The AHSS has been recognized by the State, including the Puget Sound Partnership, and the counties as having an important role in protecting, enhancing, and restoring the resources of South Puget Sound. As such, the AHSS has developed the South Sound Strategy, incorporated herein by reference, which should be consulted for guidance when reviewing new shoreline projects in South Puget Sound.
4. Policy SH-~~5760~~ The public interest in South Puget Sound concerns the natural character and the future development. The scope of the public interest concerning the future development of South Puget Sound includes all residents of the state, tribes, the four county governments, and federal- and State-owned lands.