

# Chapter 13

## Shoreline Environment Designations

### Phase 3, Task 3.3

### Shoreline Master Program Planning Process

#### Introduction

Shoreline environment designations are classifications of shoreline areas that reflect local shoreline conditions, including ecological functions and shoreline development. Environment designations provide “the framework for implementing shoreline policies and regulatory measures specific to the environment designation” [WAC 173-26-191(1)(d)]. Assigning environment designations is Task 3.3 of Phase 3 of Ecology’s Shoreline Master Program (SMP) planning process.



Figure 13-1: This stretch of the Anacortes shoreline along Guemes Channel has parallel shoreline designations – Conservancy adjacent to the ordinary high water mark, and Shoreline Residential in the upland area. (Washington Coastal Atlas photo.)

Shoreline environment designations should be established for one or more similar shoreline reaches and are based on the inventory and characterization developed in Phase 2. Ecological characteristics, shoreline reaches, land use patterns, community goals, and shoreline management recommendations from the inventory and characterization report are all part of the equation for assigning environment designations. Each environment designation must have a purpose

statement, designation criteria, and management policies and regulations specific to each environment.

This chapter reviews the SMP Guidelines requirements, provides factors to consider in developing environment designations, discusses required provisions and the recommended environment designations, and reviews alternative environments, parallel environments and predesignation of shorelines within urban growth areas. Examples of regulations from Ecology-approved SMPs are included at the end of the chapter.

## SMP Guidelines

The shoreline environment designations are the principal tools for applying and tailoring the Shoreline Management Act's general policies to local shorelines. Classifying shorelines into specific designations provides the means of adapting broad policies to shoreline reaches with distinctively different conditions and resources.

The SMP Guidelines provide extensive direction on developing shoreline environment designations. First, the Guidelines note that master programs “address conditions and opportunities of specific shoreline segments” through environment designations. [WAC 173-26-191(1)(a)]. Section 201 directs local governments to “establish environment designations and identify permitted uses and development standards for each environment designation” based on the shoreline inventory and analysis and to prepare polices and regulations [WAC 173-26-201(3)].

*WAC 173-26-211(2)(a): This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria described in this section.*

Environment designations are addressed more thoroughly in Section 211 of the Guidelines. This section addresses basic requirements, consistency with the local comprehensive plan, required provisions such as management policies and designation criteria, and recommended environment designations. The Guidelines recommends a classification system with six basic shoreline environments:

- High Intensity.
- Shoreline Residential.
- Urban Conservancy.
- Rural Conservancy.
- Natural.
- Aquatic.

Local governments can establish a classification system different than that included in the Guidelines, or use their current environment designations. However, tailored environment designations must be consistent with the policies and purposes of the general environment designation provisions in the Guidelines and cover the breadth of the environments – the complete scheme for shoreline management – as included in the Guidelines [WAC 173-26-211(4)(c)].

For each environment designation, a purpose, designation criteria and management policies must be established. These are already provided for in the six environment designations recommended in the Guidelines and can be revised somewhat, as long as they are consistent with the Guidelines. Local governments using different environment designations will need to develop the purpose, designation criteria and management policies for each environment.

The SMP Guidelines focusing on environment designations will be referred to throughout this document.

## Environment designations considerations



Figure 13-2: Wildlife habitat is one consideration in determining environment designations. (Hugh Shipman photo.)

Shoreline environment designations should be appropriate for the local shoreline and cover the range of ecological characteristics and land use patterns, reflect community goals, and incorporate the shoreline management recommendations from the inventory and characterization. Shoreline environment designations should be distinct from each other. The objective is to tailor a designation system that best fits the local shoreline, not to create numerous designations just for the sake of diversity.

Descriptive names can help distinguish shoreline environment designations. The names could indicate the type of use (e.g. High Intensity-Maritime), the environmental condition or objective (e.g. "Rural Conservancy Riparian") or the geographic location (e.g. "Shoreline Residential-Blue Lake") where the designation will apply.

### Shoreline ecological functions

Shoreline ecological functions identified during the inventory and characterization are one consideration for classifying environment designations. Characteristics may include:

- Channel movement and hydrological systems; flooding areas.
- Extent of riparian vegetation.
- Fish and wildlife habitat and presence of species.
- Areas of erosion and sedimentation.
- Water quality and temperature.
- Presence of nutrients and pathogens.
- Critical areas.
- Sites with potential for protection or restoration.

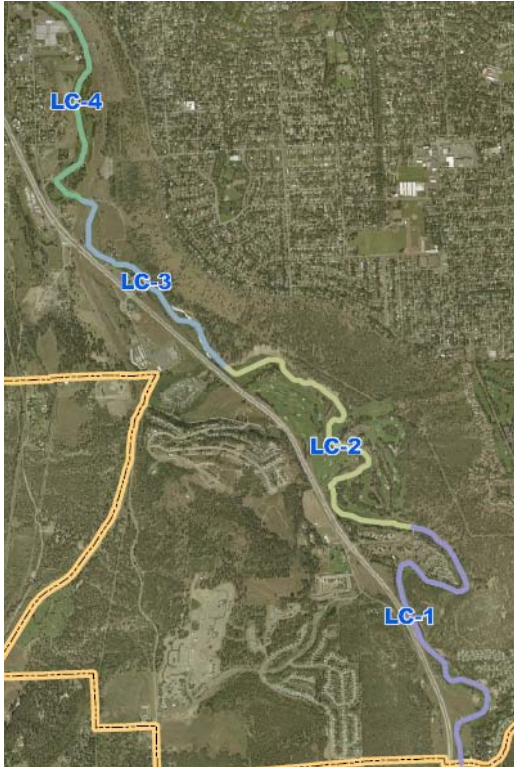


Figure 13-3: The map shows some of the reaches on Latah Creek in the City of Spokane. The yellow line is the city boundary. (City of Spokane map.)

## Shoreline reaches

Shoreline reaches are specific segments of the shoreline, typically distinguished by the intensity of land use development, the physical landscape and critical biological processes. An undeveloped shoreline likely should be in a different reach than a developed shoreline. Shoreline types such as dunes and river deltas, and characteristics such as slope, drift cells and stream confluences should be considered. An environment designation may include one reach, or a number of reaches that are similar enough to have the same management policies and uses.

Shoreline reaches are identified during the inventory and characterization. More information about determining shoreline reaches is available in SMP Handbook Chapter 7, *Shoreline Inventory and Characterization*, available at <http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/Chapter7.pdf>.

## Land use patterns

Land use patterns identified during the inventory (and that figure into identifying reaches) are important considerations for environment designations. What land uses are on your shoreline?

Are there water dependent uses such as marinas or grain terminals? They may need a High Intensity designation with regulations that protect them from incompatible uses. Is there a substantial amount of shoreline residential that needs the protections provided by Shoreline Residential designation policies and regulations? Parks and low density residential development would fit within an Urban Conservancy or Rural Conservancy environment.



Figure 13-4: Land uses along the Okanogan River include farming and resource use. (Washington Coastal Atlas photo.)

## Inventory and characterization recommendations

Shoreline management recommendations in the inventory and characterization report are important considerations for establishing environment designations. These recommendations should outline shoreline protection and restoration opportunities necessary to achieve no net loss of shoreline ecological functions and recommend environment designations. A recommendation to protect an undeveloped area in order to retain highly functioning shoreline ecological functions likely should translate into a Natural shoreline environment.

The following example comes from the City of Renton. The table is a portion of a table in the shoreline inventory prepared by the city's consultant. It summarizes the alterations to ecosystem processes in the watershed and in the city for Black River/Springbrook Creek.

### Black River/Springbrook Creek

Process	Scale	Alterations	Restoration Potential
Organic Matter	Watershed	<u>High</u> Lack of LWD recruitment in conjunction with hydromodification has limited instream habitat complexity	<u>High</u> Riparian areas in streams with existing salmonid spawning and rearing
	City	<u>Moderate</u> Although no mature forest exists, most of Springbrook Creek has retained a modest riparian corridor.	<u>High</u> Enhancement potential for existing riparian corridor is high, including removal of invasive species and long-term restoration of mature mixed forest
Other	Watershed	<u>High</u> Impaired temperature resulting from lack of riparian cover and reduced baseflow Reed canary grass infestations limit recruitment of native riparian vegetation	<u>Moderate</u> Riparian areas can be enhanced to provide shade. Restoration of baseflows is more problematic due to low potential for restoring groundwater recharge to historic levels

Figure 13-5: Alterations at the watershed and city scale are paired with opportunities for restoration in this partial table from the City of Renton's shoreline inventory.

The narrative in the inventory describes conditions for the three reaches of Black River/Springbrook Creek. For Reach A, the narrative states,

*Reach A extends from the pump station to Grady Way. Immediately upstream from the pump station the reach is contained in a large pond. The riparian corridor in this reach is primarily forested, and more than 250-feet-wide on either bank. However, invasive reed canarygrass (*Phalaris arundinacea*) is also dominant in areas, particularly in the shoreline on the left bank where there is public access and a trail system. This area also hosts a heron rookery with approximately 90 nests.*

*The stream then flows through a 100- to 150-foot-wide vegetated corridor bounded on the east by Oakesdale Avenue and on the west by the Metro Sewage Treatment Plant. A combination of deciduous forest and open canopy emergent areas extend 30 feet on river*

*left and 80 to 100 feet on river right. The stream then flows under two local streets and I-405, with highly altered riparian conditions.*

The narrative then describes opportunities and constraints regarding maintaining and enhancing ecological productivity in this reach. In a technical memo, the consultant recommended either a Natural or Urban Conservancy environment designation for the portion of Reach A described in the first paragraph that is largely undeveloped, and High Intensity for the portion described in the second paragraph that is highly developed. Renton approved Natural and High Intensity environment designations, respectively, for these areas.

## Community goals

The local community has already made some decisions about its future, and these decisions are reflected in local adopted plans such as the comprehensive plan, parks and trail plan, and capital improvement programs. The environment designations should reflect these community goals as long as they are consistent with the SMA and the SMP Guidelines and fit with the other considerations discussed in this section.

Please note: **Comprehensive plan policies and zoning regulations will need to be changed if they are not consistent with the SMA and the Guidelines.**

## Purpose, criteria and management policies

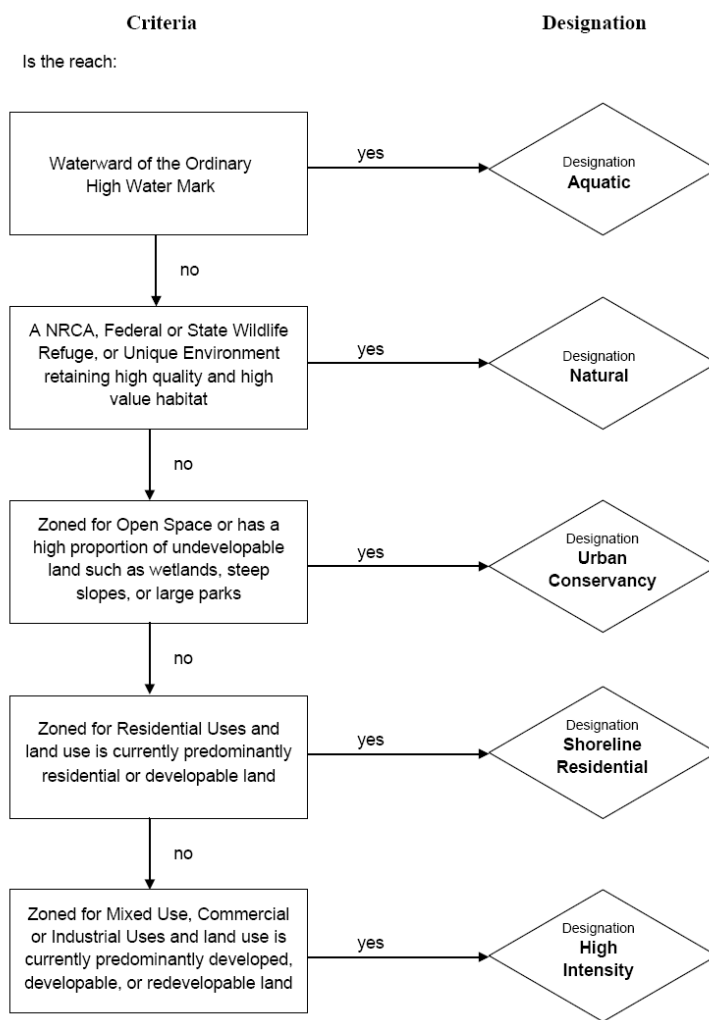
A purpose statement, designation criteria and management policies are required for each environment designation. If you decide to use environment designations that are different than those in the Guidelines, you'll need to develop these provisions. Determining the designations and figuring out these provisions may be an iterative process. For example, several shoreline reaches may initially seem to fit within a "Rural Resort" designation (as an example). As you write the designation criteria, you realize that one reach doesn't quite fit the criteria. Should the criteria be revised to include that reach, or would that affect how other reaches meet the criteria? Perhaps the reach would fit better within another environment designation. Or, "Rural Resort" may not be the designation that best fits the conditions.

- The **purpose statement** describes the unique shoreline management objectives of the designation in a manner that distinguishes it from other designations. A brief paragraph is usually sufficient for a purpose statement.
- **Designation criteria** describe the basis for assigning the particular designation to specific sections of the shoreline. Criteria describe the unique characteristics of shorelines that should receive the given designation (as differentiated from other shoreline segments within the jurisdiction). They also serve as a basis for evaluating requests for re-designating shoreline areas in the future.
- **Management policies** are the basis for the environment regulations and should be in sufficient detail to assist in their interpretation. They also help to evaluate consistency between the SMP and comprehensive plan.

## Thinking it through

Thinking about your shorelines in a methodical fashion can help to determine appropriate environment designations for shoreline reaches. Using a methodical approach can focus the discussion and steer the decision-making to be consistent with the purpose and designation criteria.

Several local governments have developed decisions trees or flow charts to help connect the shoreline reach to the appropriate environment designation. The flow charts should reflect the designation criteria for each environment designation. Note that zoning as it reflects existing development patterns is only one consideration – shoreline ecological functions and protection and restoration opportunities are also important.



Other methods such as photos can be used to help assign shorelines to environment designations. For example, for the Rural Conservancy designation, photos would show lower intensity resource uses including agriculture and forestry, recreation, residential, floodplains, low-intensity water-dependent uses and other uses listed in the designation criteria. You could then compare land use and ecological functions of a shoreline reach with the photos to see whether the reach fits within the Rural Conservancy designation.

Figure 13-6: A flow chart like this one, developed by the Thurston Regional Planning Council for use by the cities of Lacey, Olympia and Tumwater, can help when making decisions about environment designations. Zoning reflects land use but is not the only consideration. Ecological functions and protection and restoration opportunities are also important

## Mapping

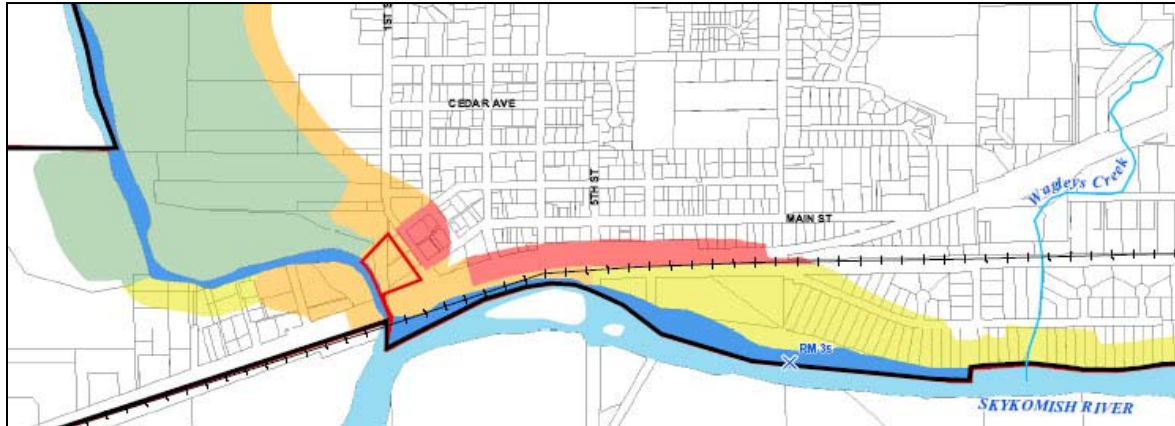


Figure 13-7: The map shows the shoreline environment designations in the city of Sultan. Note that some parcels are partially outside shoreline jurisdiction.

Environment designations must be mapped. The Guidelines [WAC 173-26-211 (2)(b) and (e)] require SMPs to include:

- An accurate map. The local government shoreline permit administrator must keep a copy of the map.
- Clear identification of boundaries in the text if parcels are not shown on the map.
- A statement that Urban Conservancy or Rural Conservancy designation (or comparable designation) is automatically applied if an area is not mapped. These designations will be in place until the shoreline is redesignated through a master program amendment.

Common boundary descriptions or parcel numbers can be used to accurately define environment boundaries. The boundary descriptions typically rely on both man-made and natural features (i.e. roads, tops of bluffs, dikes, etc.) to indicate environment boundaries. For example, "The High Intensity designation starts at the centerline of Front Street and runs north to the centerline of Water Street. The Urban Conservancy designation begins at the north edge of the centerline of Water Street." Be sure that the descriptions include the feature, such as the street. Describing the boundaries as the "north side of Front Street to the south side of Water Street" leaves out the street.

Parcel numbers can also be used to describe the location of environment designations as shown in the table below. All environment maps should indicate that the common boundary descriptions or parcel number descriptions in the SMP take precedence over mapped boundaries if there are inconsistencies.

**Table 4. Shoreline Residential Environment Designation Descriptions**

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Shoreline Residential for the residential area and Urban Conservancy – Open Space for the trail corridor.	GR C-1. Residential area north and west side of the Green River east of Central Ave	Eastern edge of 9183706000	Western edge of 2890600000
Shoreline Residential with a parallel designation of Urban Conservancy – Open Space for the trail portion of the sub-unit.	GR C-2. Residential area on north side of the river from SR 181 to the golf course at Russell Rd	Eastern edge of 5436200843 and 2422049114	Western edge of 2322046666, 2322049049
Shoreline Residential with a parallel designation of Urban Conservancy – Open Space for the trail portion of the sub-unit.	GR C-3. Residential area on east side of River from James Street north to S 228 <sup>th</sup> Street	Southern edge of 1085670000	Northern edge of 00062200016

Figure 13-8: This partial table from the City of Kent SMP uses parcel numbers to identify the location of shoreline environment designations

## Recommended environment designations

The environment designations recommended in the Guidelines are summarized below. For the complete purpose statements, designation criteria and management policies, please see the Guidelines at WAC 173-26-211(5).

### Natural environment

The purpose of the Natural environment is to protect shorelines that are relatively free of human influence or include ecologically intact or minimally degraded shoreline functions. Only low intensity uses should be allowed, and local governments should include restoration planning for the degraded shorelines.



Figure 13-9: The Natural environment designation is applied to the mouth of the Nooksack River in Whatcom County (left) and on the Douglas County side of the Columbia River west of Nespelem Bar. (Washington Coastal Atlas photos.)

- Commercial, industrial, and nonwater-oriented uses should not be allowed.
- Single family residential is a conditional use and should be allowed only if the density and intensity is limited and ecological functions are protected.
- Commercial forestry is a conditional use.
- Agricultural uses of low intensity may be allowed subject to limitations.
- New development or vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
- Other uses such as scientific, historic, cultural, educational research and low-intensity water-oriented recreational may be allowed if no significant ecological impact will occur.

Shoreline environments that retain the majority of their natural shoreline functions, like those shown in the photos above, should be designated Natural.

Please see WAC 173-26-211(5)(a) for the full discussion of the Natural environment.

### **Rural Conservancy environment**

The Rural Conservancy environment should be designated outside incorporated municipalities and urban growth areas. This environment should conserve existing natural resources and historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes and provide recreational opportunities.



Figure 13-10: This shoreline area along the Columbia River in Douglas County, near the city of Rock Island, is designated Rural Conservancy. (Washington Coastal Atlas photos.)

The Guidelines provide the following examples of uses appropriate in this environment: low impact outdoor recreation uses, sustained yield timber harvest, agriculture, aquaculture, low intensity residential development and natural resource based low-intensity uses.

Management policies call for limiting uses to those that sustain the physical and biological resources, and nonpermanent uses that do not substantially degrade ecological functions or the rural or natural character.

- Commercial and industrial uses generally should not be allowed.
- Low intensity, water-oriented commercial and industrial uses are allowed in areas where they were located in the past or at unique sites that have shoreline conditions and services to support the development.
- Agriculture, commercial forestry and aquaculture are allowed.
- Mining may be permitted on lands with a mineral resource designation under GMA planning.

Please check WAC 173-26-211(5)(b) for more details about allowing water-oriented recreation facilities, shoreline stabilization, flood control works and residential development standards in the Rural Conservancy environment.

## **Aquatic environment**

The Aquatic environment is intended to protect, restore and manage the resources of the state waters. It should be applied to lands waterward of the ordinary high water mark.

Using an aquatic environment focuses on the aquatic resources and helps to avoid assuming that aquatic areas are extensions of uplands. An aquatic environment eliminates the problem of various upland designations extending into the water at odd angles due to shoreline configurations, creating a confusing puzzle of shoreline environments. Aquatic uses such as aquaculture and issues such as navigation and the public trust doctrine can be addressed more effectively with an aquatic environment.

Uses allowed in the Aquatic environment should be compatible with allowed upland uses. For example, aquaculture uses that depend on good water quality may be incompatible with densely developed residential uses. Marinas or docks or other uses that depend on access from upland areas should be allowed in the Aquatic environment only if they are allowed in the adjacent upland environment.

Some Aquatic environment regulations will apply to uses and activities that occur only in the water and are not connected to the upland area. These may include aquaculture, dredging or offshore moorage.

Some local governments use more than one aquatic environment. For example, Coupeville's Aquatic environment and Urban Aquatic environment allow different types of development. The Urban Aquatic environment is adjacent to Coupeville's historic downtown in the Historic Urban environment and allows for more intense uses.

Shoreline uses and modifications in the Aquatic environment should prevent degradation of water quality and alteration of natural hydrographic conditions, minimize interference with surface navigation, consider impacts to public views, and allow for safe unobstructed passage of fish and wildlife. Other management policies call for:

- Allowing new overwater structures only for water-dependent uses, public access or ecological restoration.

- Limiting the size of new overwater structures to the minimum necessary to support the intended use.
- Encouraging multiple use of overwater facilities.
- Prohibiting uses that adversely impact the ecological functions of critical saltwater and freshwater habitat except under specific circumstances.

Please see WAC 173-26-211(5)(c) for the full discussion of the Aquatic environment.

## High-Intensity environment



Figure 13-11: Harbor Island on the Duwamish East Waterway in Seattle fits into the High-Intensity environment. (Washington Coastal Atlas photo.)

The High Intensity environment focuses on water-oriented commercial, transportation and industrial uses, with a priority on water-dependent uses. Nonwater oriented uses should not be allowed except as part of mixed use development, in limited situations where they would not conflict with or limit opportunities for water-oriented uses, or on sites where there is no direct access to the shoreline. However, if the shoreline use analysis shows that the needs of existing and anticipated water-dependent uses are met, a mix of water-dependent and non-water dependent uses may be established.

Jurisdictions with a range of uses that fit into this environment may want to use more than one high-intensity environment to better fit shoreline conditions. For example, you could use a High-Intensity-Dock environment for areas with public access and recreational uses, and a High-Intensity-Industrial environment for industrial areas.

The management policies for the High-Intensity environment designation do not prohibit any uses or prescribe conditional use permits for any uses. The policies also call for:

- Full utilization of existing urban areas before further expansion is allowed.

- No net loss of shoreline ecological functions due to new development.
- Provision of visual and public access where feasible.
- Use of sign regulations, screening, architectural standards and maintenance of natural vegetative buffers for aesthetic purposes.

Please see the full discussion of High Intensity environment in the Guidelines at WAC 173-26-211 (5)(d).

## Urban Conservancy

The Urban Conservancy environment should protect and restore ecological functions of open space, flood plain and other sensitive lands in urban and developed areas and allow compatible uses. This designation should be applied within incorporated municipalities and urban growth areas. Commercial or industrial “rural areas of more intense development” and mineral resource lands may also be designated Urban Conservancy if they meet criteria established in the Guidelines.



Figure 13-12: This Urban Conservancy shoreline along Drayton Harbor in Whatcom County has low-density residential development. (Washington Coastal Atlas photo.)

The primary allowed uses are those that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands. Other management policies state:

- Water-oriented uses should have priority over nonwater-oriented uses.
- SMP standards are required for shoreline stabilization, vegetation conservation, water quality and shoreline modifications.
- Mining may be an appropriate use if consistent with a mineral resource lands designation under GMA

The full discussion of the Urban Conservancy environment is in WAC 173-26-211(5)(e).

## Shoreline Residential



Figure 13-13-: A Shoreline Residential environment designation may be appropriate for this Seattle shoreline along Lake Washington. (Washington Coastal Atlas photo.)

The Shoreline Residential environment should accommodate residential development and appurtenant structures consistent with the Guidelines and also provide appropriate public access and recreational uses.

SMPs may include two or more shoreline residential environments to accommodate different densities or conditions. Density requirements should be part of environment regulations to ensure that residential areas designated for lower density do not become higher density over time.

Management policies require:

- Standards to address density, setbacks, lot coverage, buffers, shoreline stabilization, vegetation conservation, critical areas protection and water quality.
- Multifamily and multi-lot residential and recreational developments to provide public access and joint use for community recreational facilities.
- Commercial development limited to water oriented uses.
- Access, utilities and public services available and adequate to service existing and planned development.

The full discussion of the Shoreline Residential environment is at WAC 173-26-211(5)(f).

## Alternative environments

Local governments may determine that the recommended shoreline environments in the Guidelines are not the best fit for their shorelines and develop their own classification system. This is acceptable as long as the environment designations are consistent with the policies and purposes of the general environment designation provisions and cover the breadth of the environments – the complete scheme for shoreline management – as included in the Guidelines [WAC 173-26-211(4)(c)]. Alternative environment designations also must include a purpose, designation criteria and management policies.

Many of the updated SMPs approved by Ecology have alternative environments. Examples include:

- Port Townsend: Waterfront Historic District for the historic downtown commercial area.
- Coupeville: Historic Urban designation for its National Historic Landmark area.
- Whatcom County: Urban Resort Shoreline Area for areas identified as suitable for resort commercial development.
- Douglas County: Mixed Use environment to provide for moderate density water-oriented residential and commercial uses; accommodates tourist commercial and similar mixed use environments.
- Sultan: Urban Center environment provides for high intensity urban commercial development in areas physically separated from natural and aquatic environments.

### Port Townsend example



Figure 13-14: The historic downtown commercial area of Port Townsend is in the Waterfront Historic District environment designation. (Washington Coastal Atlas photo.)

The Port Townsend Waterfront Historic District provides an example of an alternative environment with the required purpose, designation criteria and management policies. This

environment was set up for the historic downtown commercial area, an area with a development pattern of buildings oriented along the shoreline.



Figure 13-15: The Bishop Building is in Port Townsend's Waterfront Historic District environment designation.

For this environment, the **purpose statement** describes the management objectives of the designation.

*The purpose of the Historic Waterfront Designation is to protect historic resources, provide for continued commercial uses that are consistent with the historic character of the area, including those that are not water-oriented, while protecting existing ecological functions, restoring ecological functions in areas that have been previously degraded, and enhancing public access to the shoreline. The Historic Waterfront is an ideal area to encourage water-enjoyment uses.*

*The following identifies the objectives for the Historic Waterfront Designation in order of importance:*

- a. Protect the historic resources of Port Townsend while minimizing the impact to critical areas and natural shoreline processes;*
- b. Accommodate the functional re-use of historic structures; and*
- c. Ensure that the impacts associated with the continued use of historic structures on the shoreline results in no net loss of ecological functions.*

The **designation criteria** describe the basis for assigning the designation to shoreline reaches.

*The Historic Waterfront Designation is the area within the National Landmark Historic District largely occupied by the collection of historic late 19<sup>th</sup>-century brick and stonework commercial buildings.*

**Management policies** are the basis for regulations specific to shoreline environments. The Port Townsend SMP management policies address both uses and design elements. A few of the management policies are shown below.

#### *Uses*

*Policy 5.11.1 Encourage a mixture and variety of uses and activities in the Historic Waterfront Designation, particularly those that:*

- a. Preserve and restore the historic character of Port Townsend.*
- b. Support and reinforce the design and architectural qualities of the Water Street National Historic District when located within or adjacent to its boundaries.*
- c. Provide an opportunity for the public to actively or passively enjoy the community's waterfront amenity.*
- d. Provide a physical link or connection open to the public between the upland and the shoreline.*
- e. Are water-oriented uses or are accessory to, complimentary to or support water-oriented uses.*

*f. Enhance the character and flavor of the Port Townsend urban waterfront.*

*Policy 5.11.3 Encourage rehabilitation, renovation, and adaptive reuse of upper floors of historic buildings (e.g. for artist studios, permanent housing, and office space) so as to contribute to the vitality of the area.*

### ***Design Elements***

*Policy 5.11.4 Allow development only in those areas where impacts and hazards caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.*

*Policy 5.11.6 Protect view corridors identified in Appendix C through appropriate design (e.g., modulation of building heights and massing) of new development. Designs shall protect views of the water and the bluff as viewed from onshore and from offshore.*

*Policy 5.11.7 Ensure that new development provides visual and physical public access, consistent with constitutional and statutory limitations, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline. In lieu of on-site improvements, the Shoreline Administrator may allow for off-site improvements if said improvements would provide a greater public benefit (WAC 173-26-221 (4)(c) and (d)).*

The Port Townsend SMP development regulations for the Waterfront Historic District environment address uses, height and setbacks. A few of the regulations are included below.

## **Development Regulations**

### ***Uses***

*DR-5.11.1 The following are prohibited in the Historic Waterfront Designation:*

- a. Aquaculture unless associated with an approved restoration project*
- b. Industrial uses*
- c. Warehouse, storage and mini-storage*
- d. Auto, truck, trailer and recreational vehicle rental, towing, servicing, repair or sales*
- e. Major recycling facilities*
- f. Radio and television towers as a primary use*

### ***Height Limit***

*DR-5.11.9 New or expanded structures are subject to the specific height limits of the Special Height Overlay District codified in Chapter 17.28 of the Port Townsend Municipal Code (see Appendix C).*

### ***Setbacks***

*(For restoration of existing non-conforming buildings, see Chapter 11.)*

*DR-5.11.10 Water-dependent uses require no setback. All other new development shall be setback a minimum of 25-feet from the ordinary high-water mark with the following exceptions:*

*a. Interconnected walkways that facilitate a second point of egress to achieve life/safety code compliance to facilitate adaptive reuse of shoreline buildings shall be permitted in cases where no feasible alternative exists. Although the primary purpose of these walkways shall be to facilitate emergency egress, opportunities for their use to enhance public access along the shoreline shall be evaluated and where appropriate, permitted. Elevated walkways and decks shall not inhibit public access to or use of the beach unless no other alternative exists for meeting life/safety codes.*

*b. Decks and balconies may be permitted on upper floors, provided that the applicant can demonstrate that the proposed improvements will not adversely impact public use of the shoreline or the ecological functions, values, and resources of the shoreline.*

The Port Townsend SMP is available on Ecology's website at <http://www.ecy.wa.gov/programs/sea/shorelines/smp/status.html#P>

## Environment designation regulations

Environment designation regulations should address only issues that vary from designation to designation. Regulations that apply to all environment designations should be part of the general policies and regulations. Issues that vary within environments usually include:

- Permitted, conditional and prohibited uses.
- Setbacks and buffers.
- Height, bulk, and lot coverage.
- Density limits.
- Vegetation conservation and maintenance.
- Signs.
- Public access.

Environment regulations should describe what uses are permitted in each environment. The most commonly used method is to list permitted land uses (e.g. residential, agricultural and commercial) for each environment. You can also list water-oriented and nonwater-oriented options for the permitted uses. For example, the SMP could permit recreation water-oriented uses such as docks and boat launches, but prohibit restrooms that serve recreation area users.

Another method is to list for each designation whether water-dependent, water-related, water-enjoyment and non-water-oriented uses are permitted or prohibited. Conditions or performance standards on specific uses in the environment can be added, or certain uses may only be allowed in an environment through a conditional use permit. A matrix will efficiently summarize this information.

For example, the matrix could show Shoreline Residential allowing water-dependent uses. A footnote would specify that such water-dependent uses are limited to private piers and docks only. This would effectively prohibit water-dependent development such as ports or ferry terminals in Shoreline Residential areas.

## Location of regulations

Regulations unique to specific shoreline environments can be located in the environment designation section or the regulations for shoreline uses and modifications. For example, a regulation that establishes a density of three dwelling units per acre could be in the Shoreline Residential environment section, or in the Residential Use section.

The SMP must be clear regarding permitted, conditional and prohibited uses for each environment and what regulations apply for each environment designation. All uses listed in the SMP Guidelines must be addressed.

## Matrices

Ecology recommends that SMPs include tables or matrices to specify bulk and dimensional standards as well as permitted, conditional and prohibited uses and site development standards for each environment designation. Matrices concisely interpret the SMP text. They are useful in describing requirements to potential permit applicants and in explaining the comprehensive system of shoreline environment designations to the public. Matrices also provide an excellent tool for comparing the regulations among the various environments. Footnotes may be needed to describe the special circumstances under which some uses and activities may be authorized in a given environment.

The SMP should contain the following statement with respect to matrices: *“Where there is a conflict between the matrix and the written provisions in this SMP, the written provisions shall apply.”*

The following partial matrices are from the City of Kent SMP. The first one shows the permitted uses and activities within each shoreline environment. The second matrix shows the development standards. Footnotes are not shown here.

**Table 6.** Shoreline Use Matrix

P = May be permitted  
 C = May be permitted as a conditional use only  
 X = Prohibited; the use is not eligible for a variance or conditional use permit<sup>11</sup>  
 N/A = Not applicable

<b>SHORELINE USE</b>	<b>Natural-Wetlands</b>	<b>High-Intensity</b>	<b>Urban Conservancy - Open Space<sup>12</sup></b>	<b>Urban Conservancy - Low intensity<sup>12</sup></b>	<b>Shoreline Residential</b>	<b>Aquatic<sup>13</sup></b>
Agriculture	X	P <sup>10</sup>	P <sup>10</sup>	P	P <sup>10</sup>	X
Aquaculture	X	X	X	X	X	X
Boating facilities <sup>14</sup>	X	P	P	X	P	P
Commercial:						
Water-dependent	X	P	P <sup>1</sup>	P <sup>9</sup>	X	X
Water-related, water-enjoyment	X	P	P <sup>1</sup>	P <sup>9</sup>	X	X
Nonwater-oriented	X	C <sup>4</sup>	X	C <sup>4,9</sup>	X	X
Flood hazard management	X	P	P	P	P	C
Forest practices	X	X	X	X	X	X
Industrial:						
Water-dependent	X	P	X	X	X	X
Water-related, water-enjoyment	X	P	X	X	X	X
Nonwater-oriented	X	P <sup>4</sup>	X	X	X	X
In-stream structures	C	C	C	C	C	C
Mining	X	X	X	X	X	X
Parking (accessory)	X	P	P <sup>2</sup>	P <sup>2</sup>	P	X
Parking (primary, including paid)	X	X	X	X	X	X
Recreation:						
Water-dependent	P <sup>3</sup>	P	P	P	P	P
Water-enjoyment	P <sup>3</sup>	P	P	P	P	X
Nonwater-oriented	X	P <sup>4</sup>	P <sup>4</sup>	C <sup>4</sup>	P	X
Single-family residential	X	X	X	P <sup>8</sup>	P	X
Multifamily residential	X	P	X	C	P	X
Land subdivision	P	P	P <sup>5</sup>	C	P	X
Signs:						
On premises	X	P	P <sup>6</sup>	C	X	X
Off premise	X	X	X	X	X	X
Public, highway	X	P	P	P	X	X
Solid waste disposal	X	X	X	X	X	X
Transportation:						
Water-dependent	X	P	P	P	C	P
Nonwater-oriented	X	P	C	C	P	C <sup>7</sup>
Roads, railroads	C <sup>7</sup>	P	P <sup>7</sup>	P <sup>7</sup>	P	C <sup>7</sup>
Utilities (primary)	C <sup>7</sup>	P	P <sup>7</sup>	P <sup>7</sup>	P	C <sup>7</sup>

Figure 13-16: The City of Kent’s SMP shows the uses permitted in each environment designation.

Table 7. Shoreline Development Standards Matrix

DEVELOPMENT STANDARDS <sup>1,5</sup> (See also section cited in parentheses)	Natural-Wetlands	High-Intensity	Urban Conservancy - Open Space	Urban Conservancy - Low Intensity	Shoreline Residential	Aquatic
<b>Commercial Development (Ch. 5 Sec. C.4)</b>						
Water-dependent setback	N/A	0	0	0	N/A	N/A
Water-related, water-enjoyment setback <sup>4</sup>	N/A	30' <sup>2</sup>	30' <sup>2</sup>	50' <sup>2</sup>	N/A	N/A
Nonwater-oriented setback <sup>4</sup>	N/A	70' <sup>2</sup>	70' <sup>2</sup>	100' <sup>2</sup>	N/A	N/A
<b>Industrial Development (Ch. 5 Sec. C.5)</b>						
Water-dependent (Ch. 5. Sec C.5.c.9)	N/A	0	N/A	N/A	N/A	N/A
Water-related and water-enjoyment <sup>4</sup> (Ch. 5 Sec.C.5.c.9)	N/A	50' <sup>2</sup>	N/A	N/A	N/A	N/A
Nonwater-oriented <sup>4</sup> (Ch. 5. Sec. C.5.c.9)	N/A	100' <sup>2</sup>	N/A	N/A	N/A	N/A
<b>Accessory Parking (Ch. 3 Sec. B.6)</b>						
Setbacks <sup>4</sup>	N/A	70' <sup>2</sup>	70' <sup>2</sup>	70' <sup>2</sup>	N/A <sup>3</sup>	N/A
<b>Recreational Development</b>						
Water-dependent park structures setback	N/A	0	0	0	N/A	N/A
Water-related, water enjoyment park structures setback	N/A	20'	20'	20'	N/A	N/A
Nonwater-oriented park structures setback <sup>4</sup> (Ch. 5 Sec. C.7.c.4)	N/A	70' <sup>2</sup>	70' <sup>2</sup>	70' <sup>2</sup>	N/A	N/A
<b>Miscellaneous</b>						
New agricultural activities setback (Ch. 5 Sec. C.2.c.4)	N/A	20' <sup>2</sup>	20' <sup>2</sup>	20' <sup>2</sup>	20' <sup>2</sup>	N/A
<b>Residential Development<sup>4</sup></b>	<i>See regulations in Ch. 5 Sec. C.8.c</i>					

Figure 13-17: The Development Standards table from the City of Kent SMP shows shoreline setbacks for permitted uses within each environment designation. Residential development setbacks are covered in another section of the SMP.

## Parallel environments

Parallel environments divide the shoreline in a linear fashion, creating two or more environments that run roughly parallel to the shoreline and to each other. Parallel environments provide an opportunity to address different conditions in the area immediately adjacent to the ordinary high water mark (OHWM) and areas closer to the shoreline jurisdiction boundary. These varying conditions may reflect development such as railroads, roads or dikes, or natural conditions such as steep bluffs.

Parallel environments respect ecological conditions and development opportunities by:

- Reflecting differences in environmental conditions.
- Acknowledging the presence and effect of physical features.
- Protecting the immediate riparian corridor shoreline qualities.
- Allowing appropriate development opportunities on the upland side of shoreline jurisdiction.

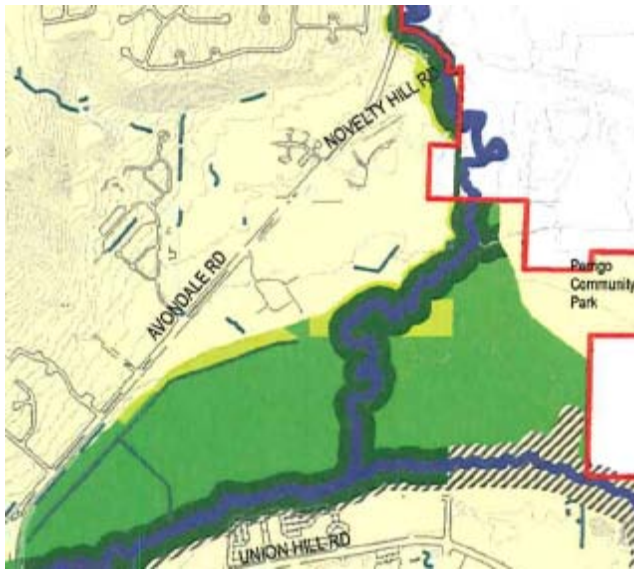


Figure 13-18: The Redmond SMP has parallel environments along portions of Bear and Evans Creeks and the Sammamish River. Shoreline Residential is yellow, Urban Conservancy is green, Natural is dark green, and High Intensity/Multi-Use is the cross-hatch. The environments reflect shoreline functions and land uses.

Parallel environments can be helpful for protecting shoreline resources and allowing development. For example, a master program may designate a "Riverine Conservancy" environment extending 100 feet from the OHWM of a river. Regulations will protect fragile riverbanks or bluffs, shoreline vegetation, critical wildlife habitats and shaded streambeds. More intense development may be allowed within the remaining area of shoreline jurisdiction. Or, an environment adjacent to a lake could protect a vegetation buffer, while the upland environment would allow residential development.



Figure 13-19: Four areas along Guemes Channel in Anacortes have parallel shoreline environments.

Another option would establish an environment adjacent to the OHWM restricted to water-dependent or water-oriented uses, while a broader range of uses could be allowed in the environment further upland. Or, the environment adjacent to OHWM allows water-oriented uses, while the upland environment is more restrictive to protect a steep slope and vegetation.

Keep in mind that the OHWM may shift over time. This may affect the boundaries of the parallel environments. If the beach accretes by 50 feet, how would that affect the boundary of the environment designations? For example, a “Beach Conservancy” environment designation is the first 100 feet from OHWM. If the beach accretes by 50 feet, the “Beach Conservancy” environment designation would theoretically move waterward by 50 feet, and so would the upland environment designation. But the remaining 50-foot area within the original “Beach Conservancy” area may not be appropriate for the upland designation that has moved with the change in the OHWM.

The width of parallel environments should be based on the natural and built features within shoreline jurisdiction. The presence of roads, railroads, bluffs, wetlands, etc. will help to determine the appropriate width.

Some advantages of using parallel environments include:

- A parallel environment establishing a linear corridor emphasizes an integrated set of policies and regulations that work together to provide optimum resource protection.
- Parallel environment boundaries can follow a natural or man-made physical feature such as the ridge of a side slope or edge of a roadway, dike or railway, making it easy to locate on the ground.
- Parallel environment boundaries can be more in harmony with the characteristics of the existing shoreline, with compatible shore and upland designations.
- Parallel environments can set different height limits, view corridors or public access requirements.

In Anacortes, the city has designated parallel environments in four locations along Guemes Channel. In three areas, the area adjacent to the OHWM is Conservancy. The city plans to turn the abandoned railroad bed into a trail. Single family residences high up on the bluff are in the Shoreline Residential environment. (A part of one area is partially shown in the photo on page 1.) In another location, the area adjacent to the OHWM is designated Urban and the upland area is Shoreline Residential.

## Predesignating environment designations

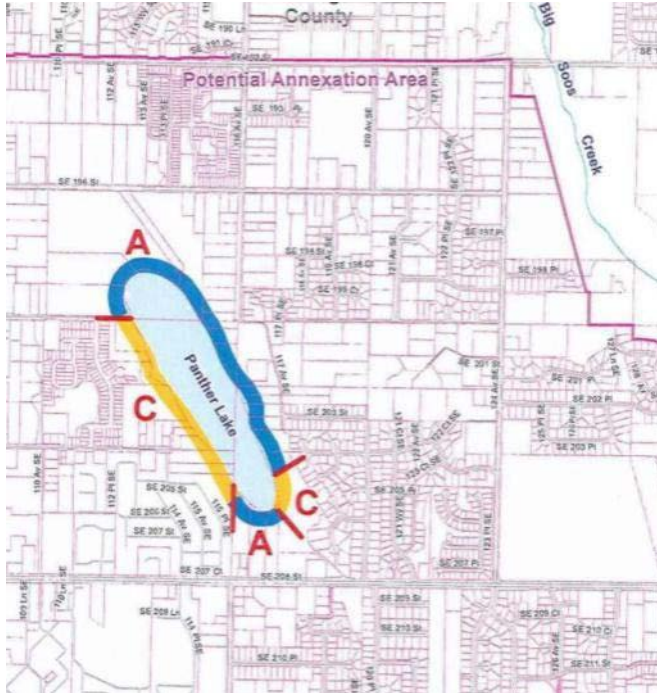


Figure 13-20: The City of Kent has predesignated several areas, including Panther Lake. The blue area is Shoreline Residential and the yellow is Urban Conservancy – low intensity.

For shoreline areas within city urban growth areas, cities can predesignate shoreline environments on shorelines located outside existing city boundaries. Environment predesignations would be approved by Ecology as part of its SMP review and approval process. Upon annexation, no additional procedures are required of the city or Ecology regarding the shoreline environment designation for the area.

Cities that do not predesignate shoreline areas within the urban growth area will need to prepare an SMP amendment upon annexation. Until the amendment is approved by Ecology, the existing County SMP continues to apply to the annexed area. [WAC 173-26-150]. The city does not have any authority regarding shoreline permits or enforcing the SMP until the area is annexed.

*WAC 173-26-150: Cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules.*

*Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas.*

*Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation.*

## Examples of environment regulations

Following are examples of SMP regulations that are specific to environment designations. This is just a selection of examples – it does not include regulations for all shorelines uses. They are arranged alphabetically according to the name of the local government.

Some SMPS do not have specific environment regulations in text; they distinguish allowed uses and standards in the use table and standards table.

### Anacortes

#### *Natural Environment*

##### **Design Elements**

**DR-5.7.5** Within the Natural designation, removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation provisions of Section 6.5.

##### **Uses**

**DR-5.7.1** Prohibited and allowed uses are generally identified in Table 5.1 in Section 5.12 of this Master Program. In addition:

- a. Any development that would substantially degrade ecological functions or the natural character of the shoreline (e.g., armoring of the shoreline that would interrupt habitat forming processes taking place within drift cells) is prohibited.
- b. Upgrades of existing public facilities where no feasible alternative exists are permitted.

#### *Conservancy Environment*

##### **Setbacks**

**DR-5.8.3** Unless otherwise specified herein or in Table 5.2, permanent structures, storage, and hard surfaces shall be set back a minimum of one hundred (100) feet from the ordinary high water mark. Setbacks are measured landward, on a horizontal plane, perpendicular to the ordinary high water mark.

- a. To prevent denying reasonable use of a parcel in violation of constitutional or statutory requirements, a single residential dwelling may be allowed within the setback, provided that placement of structures, storage, and impervious surfaces shall be limited to the minimum necessary to allow for reasonable use of the property and impacts to wetlands and habitat functions are mitigated through the Shoreline Variance process.
- b. Developments consisting of public access and low-moderate intensity water-oriented recreational uses are not required to meet the one hundred (100) foot setback, but shall be approved through the Shoreline Variance process. However, where such development may be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.
- c. Development of public roads, utility corridors, and parking areas that cannot be located outside of Conservancy-designated shorelines are not required to meet the one hundred (100) foot setback, but shall require a Conditional Use Permit. However, further application proposals must include an analysis of alternative locations for siting the proposed development to ensure that all other locations outside of the setback and within the vicinity of the project site have been evaluated. Where such improvements may be approved within the setback, the placement of structures, storage, and impervious surfaces shall be limited to the minimum necessary for the successful operation of the use.

#### *Shoreline Residential environment*

**DR-5.9.2** Limited non-residential uses, such as community clubhouse, day cares, home occupation businesses, churches, and bed and breakfasts, may be allowed, provided they are consistent with the residential character and the underlying zoning.

### Setbacks

**DR-5.9.5** Shoreline Setback - Permanent buildings and structures including common appurtenant structures such as garages and decks over 30 inches above grade shall be set back a minimum of sixty (60) feet from the ordinary high water mark, except for the shoreline along Burrows Bay between the east extent of Croatian Way and Skyline Way which shall have a minimum setback of twenty-five (25) feet from the ordinary high water mark. Patios, decks under 30 inches, or other structural or impervious surfaces, shall be limited to no more than 150 square feet and intrude no more than 10 feet into the shoreline setback. Pathways providing access to the shoreline, not including trams, are allowed but shall utilize pervious materials. Setbacks are measured landward, on a horizontal plane, perpendicular to the ordinary high water mark. Setback requirements shall apply to non-water-dependent structures and uses and do not apply to piers, ramps or docks.

### Design Elements

**DR-5.9.10** For all residential development within shoreline jurisdiction, the area of impervious surfaces (including parking areas, but excluding required right-of-way improvements) to be developed within shoreline jurisdiction shall be limited by the slope of the lot as specified in the following table.

<u>Slope</u>	<u>Impervious limit</u> (expressed as a percentage of actual land area)
15% or less	30%
15-30	25%
Greater than 30%	20%

## Auburn

### 4.7.3 Aquaculture Regulations

1. Development of aquaculture facilities shall be permitted as a conditional use in the Urban Conservancy and Natural environment.

### 4.7.4 Boating Facilities Regulations

1. Public boat launching ramps shall be permitted in the Urban Conservancy and Shoreline Residential Environments. Other types of boating facilities shall be prohibited in Natural, Urban Conservancy, and Shoreline Residential Environments.

### 4.7.5 In-stream Structural Uses

1. In-stream structures shall only be permitted as a conditional use in the Urban Conservancy, Shoreline Residential and Natural (highly limited) environments.

## Coupeville

### 16.30.360 Shoreline Modification Policies and Development Regulations

D.

#### 6. Landfills

##### *d. Regulations by Environment*

Landfills above OHWM shall be permitted in the Historic Urban and Urban Conservancy environments, subject to the policies and regulations of this master program; provided, that landfills are prohibited for the sole purpose of creating additional land area.

ii. Landfills above OHWM shall be permitted in the Historic Urban and Urban Conservancy environments provided that the applicant demonstrates that landfill will not require a bulkhead or other shore defense structure.

iii. Landfills are prohibited in the Aquatic and Urban Aquatic environments except for public access/recreation, the deposition of material for beach restoration, beach nourishment mitigation, and/or habitat enhancement, and non-structural bioengineered shore defense works which are allowed subject to the policies and regulations of this master program.

## **9. Piers and Docks**

### *d. Regulations by Environment*

i. Piers and docks shall be permitted in the Historic Urban and Urban Aquatic environments for port and commercial water dependent uses and public access uses only subject to the policies and regulations of this master program.

ii. Docks and floats are conditional uses in the Urban Conservancy and Aquatic environments, subject to the policies and regulations of this master program.

iii. Piers are prohibited in the Urban Conservancy and Aquatic environments.

### **16.30.430 Port District**

#### *D. Regulations by Environment.*

1. Port developments shall be permitted in the Historic Urban environment subject to the policies and regulations of this master program.

2. Services and support for aquaculture are permitted.

3. Port developments are prohibited in the Urban Conservancy and Aquatic Environment.

4. Port developments and water-dependent commercial uses shall be permitted in the Urban Aquatic environment subject to the policies and regulations of this master program.

## **Redmond**

### 20D. 150.50-040 Use Regulations

#### 4. Manufacturing and Industrial Uses

(c) Non-water-oriented industrial development on shorelines shall be prohibited except when conditions established in WAC 173-26-241(f)(i) and (ii) are met and non-water-oriented industrial development is expressly allowed where the development is located in the High Intensity/Multi-use Environment separated from the ordinary high water mark by lands with a different Shoreline Environment designation.

## **Whatcom County**

### **23.30.116 Aquatic shoreline area – Prohibited uses.**

The following uses are prohibited:

A. Residential.

B. Non-water-dependent commercial, industrial and port development.

C. Institutional.

D. Agricultural. (Ord. 2009-13 § 1 (Exh. 1)).

## Yakima County SMP

### Shoreline Use Development Standards

**16D.06.27 Residential** - The following provisions apply to any development, construction, or use of land for residential purposes within Shoreline jurisdiction.

1) Developers in the Urban, Natural and Urban Conservancy environments shall ensure that utility lines including electricity and communications will be underground, except where the presence of bedrock or other obstructions makes undergrounding impractical. Above ground lines in existence at the time of adoption of the Master Program shall be undergrounded during normal replacement processes.

**16D.06.28 Recreation** - The following provisions apply to any development, construction, or use of land for recreational purposes within Shoreline jurisdiction.

1) Recreational activities in the Urban and Rural Environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.

2) No permanent structures are allowed in the natural environment.