

Shoreline Master Program Updates and The Department of Ecology's Role

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Program

Department of Ecology
Northwest Regional Office

Shoreline Management Act

RCW 90.58



Guidelines

WAC 173-26



Local Shoreline Master Program

Local Ordinance

The Shoreline Management Act

RCW 90.58

- **Adopted by the Washington Legislature in 1971**
- **Affirmed by a vote of the people (referendum) in 1972**
- **Reflected strong interest by the public in our shorelines that continues today**
- **Nearly 40-year track record in state and local shoreline management.**

3 Goals

- Provide for priority uses that require a shoreline location *
- Protect environmental resources of state shorelines
- Promote public access and enjoyment of shorelines



Shoreline Management Partnership

City

“Primary responsibility” for:

- Developing Shoreline regulations (Shoreline Master Program adoption & update)
- Administering the regulatory program (permits, compliance)

Ecology

Support & “Insuring compliance with the Act” through:

- Technical assistance.
- Formal approval of local Shoreline regulations
- Final action on certain Shoreline permits
 - conditional use
 - variance

Basics of a Shoreline Master Program

- **A Shoreline Program is:**
 - A local plan for managing shorelines
 - A system of designations (or zoning)
 - Development regulations
 - System of administration and permitting
- **Must be consistent with the Shoreline Act and the Guidelines ***

Master Program Update Guidelines

WAC 173-26 - Sets requirements for Shoreline Program updates

- **Inventory and Characterization**
- **Designations (zoning), Policies & Regulations**
- **Cumulative Impacts Analysis & Restoration Planning**
- **Updating Existing Local Programs Requires:**
 - **Prescriptive in some cases (e.g. bulkhead regulations)**
 - **Requires extensive community involvement**
 - **Requires coordination with local, state, federal, and tribal governments**

Guidelines & Use of Science

Guidelines describe intended *Use of Science and technical information* (WAC 173-26-201(2)(a))

- **Use the most current, accurate, and complete scientific and technical information available**
- **Shoreline Master Program updates make use of science to:**
 - **Characterize the shoreline ecological conditions**
 - **Inform the designation (zoning) of the shoreline**
 - **Inform the development of regulations that avoid, minimize, and mitigate impacts**
 - **Show the Master Program achieves the *no net loss* goal**

Key Concept: “*no net loss*”

- Master programs shall contain policies and regulations that assure at minimum, *no net loss* of ecological functions necessary to sustain shoreline natural resources (WAC 173-26-201(2)(c)). See also WAC 173-26-186.
- Starting point is conditions as they exist today
- Recognizes new development will occur. Directs us to anticipate, avoid, minimize, and mitigate those impacts *

Precautionary Principle in Regulations

173-26-201(3)(g)

(v) **Public access.** Identify public access needs and opportunities within the jurisdiction and explore actions to enhance shoreline recreation facilities, as described in WAC [173-26-221\(4\)](#).

(vi) **Enforcement and coordination with other regulatory programs.** Local governments planning under the Growth Management Act shall review their comprehensive plan policies and development regulations to ensure mutual consistency. In order to effectively administer and enforce master program provisions, local governments should also review their current permit review and inspection practices to identify ways to increase efficiency and effectiveness and to ensure consistency.

(vii) **Water quality and quantity.** Identify water quality and quantity issues relevant to master program provisions, including those that affect human health and safety. At a minimum, consult with appropriate federal, state, tribal, and local agencies.

(viii) **Vegetation conservation.** Identify how existing shoreline vegetation provides ecological functions and determine methods to ensure protection of those functions. Identify important

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As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources. *

Existing and New Shoreline Development



Shoreline Development

- The Shoreline Program starts from the conditions as they exist today.
- The Program is crafted around existing development.
- The focus of the Shoreline Program is to ensure *no net loss* from new or expanded development.
- Normal repair and maintenance are recognized in the Shoreline Act and will be provided for in the Shoreline Program.

Shoreline Development

***Restoration* is an important part of the Master Program**

- **It is not required for existing shoreline development**
- **It may be required as *mitigation* to offset impacts from new development**
- **The Guidelines require the Shoreline Program to have a restoration plan to guide restoration work.**

Shoreline Buffers and Setbacks



Buffers and Setbacks

The Shoreline Program must include:

- **Buffers to protect wetlands**
- **Setbacks for views**
- **Vegetation conservation ***
- **Standards to prevent impacts to water quality and stormwater quantity**
- **Setbacks and buffers in *Shoreline Residential* areas**
- **Setbacks to protect houses from unstable shorelines**

Buffers and setbacks, cont.

- Ecology does not have a pre-determined buffer size
- Buffer/setback sizes will depend on many things: *

 - current ecological conditions
 - current development patterns
 - future planned development.

- Guidelines require that buffers working together with other development standards achieve *no net loss*

Non-conforming Buildings



Non-conforming Buildings

- **Buildings that don't conform with the new regulations are considered grandfathered.**
- **State code explicitly recognizes the grandfathered status (WAC 173-27-080)**
- **Non-conforming buildings can be maintained and repaired**
- **There are limits on expansion or rebuilding of non-conforming buildings.**

Non-conforming Buildings, cont

- As shoreline regulations are developed we encourage the city to consider how many buildings may become non-conforming *
- We encourage the city to customize how they deal with non-conforming buildings to consider community needs
- Must meet *no net loss* standard

Bulkheads & Shoreline Armoring



Bulkheads

- **Guidelines very specific on avoiding unnecessary armoring (WAC 173-26-231)**
- **New development should be located to avoid the need for stabilization**
- **New or enlarged structural stabilization**
 - Only to protect primary structure (i.e. residence)
 - Conclusive evidence of need demonstrated by geotechnical report
 - Timeframe for risk defined as three years
 - Other options such as drainage have been addressed
 - *No net loss* of ecological functions

Bulkheads, cont.

- **Replacement stabilization (no enlargement)**
 - Only with demonstrated need to protect principle use or structure
 - The local Shoreline Program can define what can be protected and the level of risk
 - *No net loss* of ecological functions
- **A Shoreline Program should point to a range of options for protecting existing structures**

Docks and Piers



Docks & Piers - Policy

Guidelines 173-26-231(3)(b)

- Only for water dependent uses (including single family residences)
- Minimum size necessary *
- Require joint-use when feasible
- Avoid, minimize, and mitigate for impacts to show *no net loss*

Docks and Piers

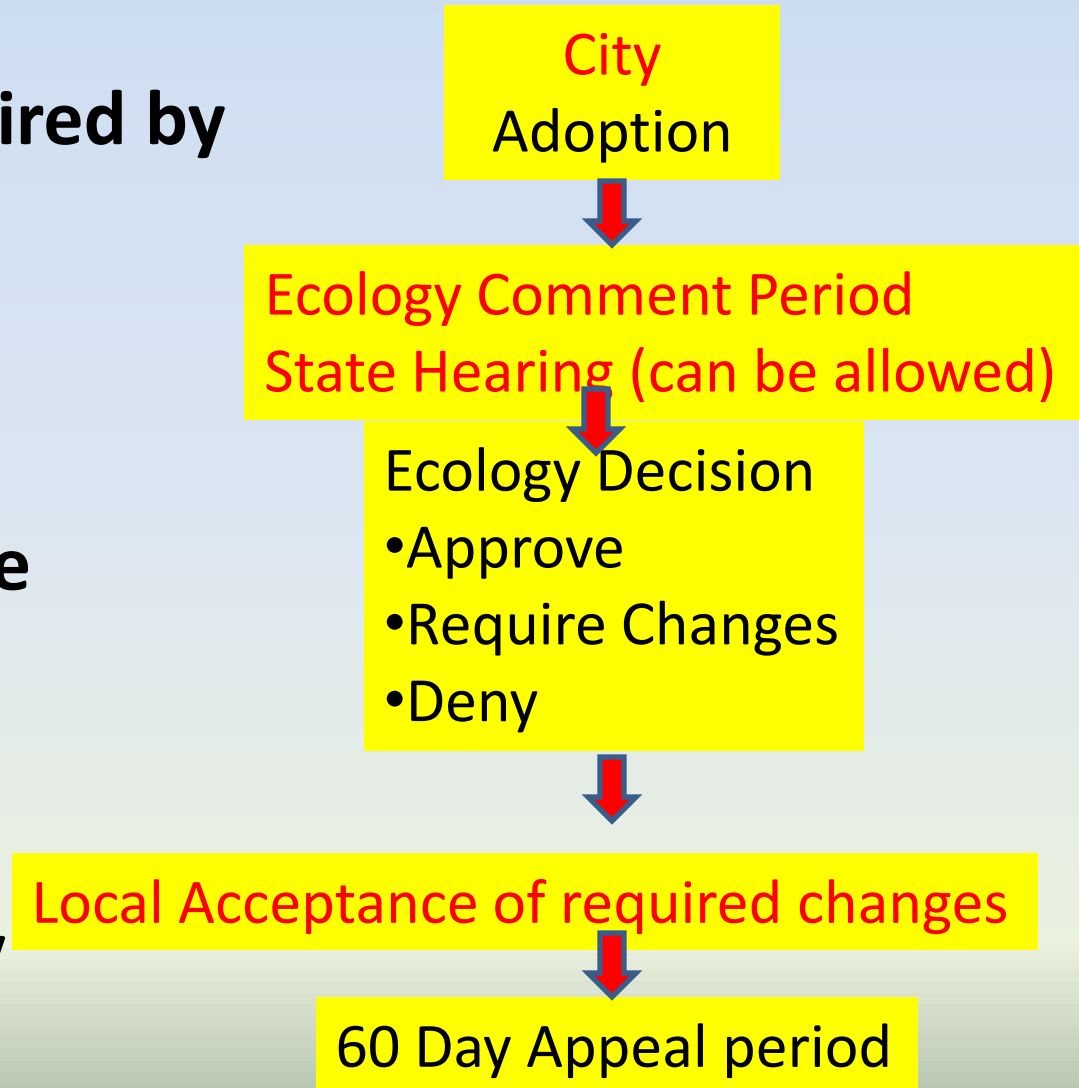
- **Opportunity to align local and federal requirements**
- **US Army Corps - Regional General Permit 6**
 - **Width**
 - **Light penetration**
 - **Materials**
 - **Avoidance of sensitive areas (i.e. eelgrass)**
 - **Mitigation**

Ecology's Final Approval

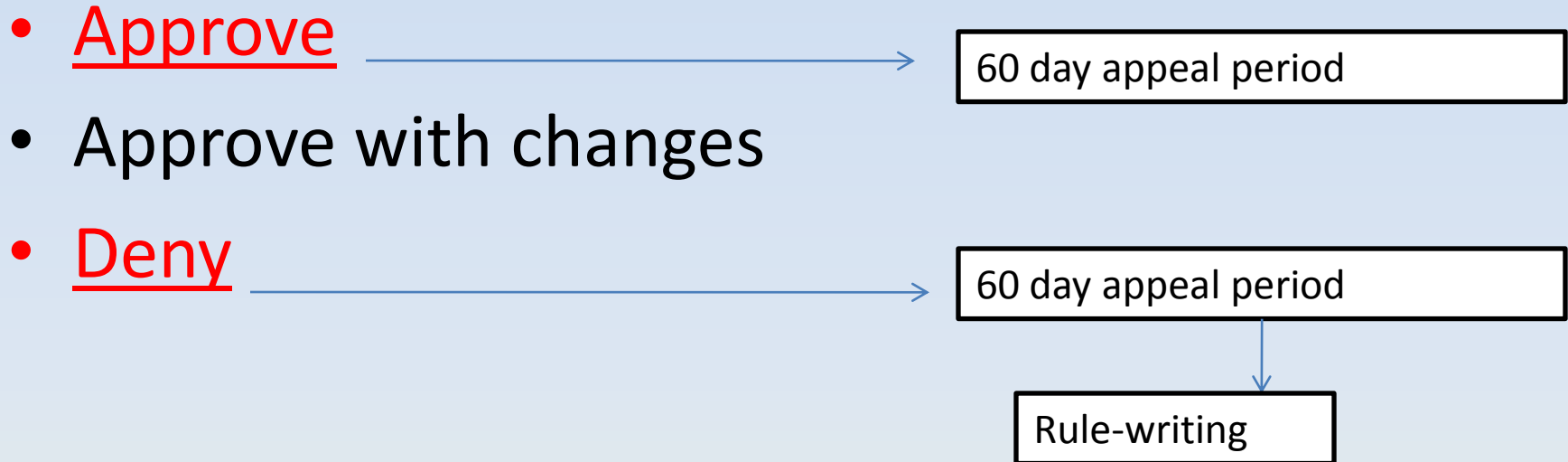
Ecology approval required by the Shoreline Act

Our Goals:

- Actively participate
- Clearly communicate expectations
- Avoid surprises
- Work through disagreements early



FINAL APPROVAL/DENIAL Ecology Decision



Final Thoughts – Key Points

- **The starting point is conditions as they exist today**
- **New shoreline development is anticipated, planned and managed to prevent an overall loss of ecological functions**
- **Give focused attention in key areas**
- **Tailor regulations to anticipated local needs**
- **Seek greater efficiency and predictability in regulating shoreline development**
- **Ecology does not have a one-size-fits-all set of expectations**

More information

<http://www.ecy.wa.gov/programs/sea/shorelines>

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