Consistency of the Pacific County SMP with Master Program Guidelines

The Shoreline Management Act (SMA) requires cities and counties to update their Shoreline Master Programs (SMP) to meet the requirements of Chapter 173-26 WAC, commonly referred to as the “Guidelines.”

While the Guidelines do introduce several new concepts to shoreline management planning, many of the requirements simply expand upon what many SMPs have been doing for the past forty years. Many of these changes reflect our improved understanding of how to best protect or restore shoreline ecological functions. Furthermore, the Guidelines push the SMP to seek a stronger, seamless connection with other local and state plans and laws.

The purpose of this report is to provide a sample of how the Guidelines will bring about changes to the Pacific County SMP. It examines representative sections in the SMP that are missing or need greater specificity or clarity.

The update process is a great opportunity to recommit to those shoreline management goals the community likes in its current SMP and improve them by using today’s regulatory tools to make them stronger. On the other hand, the update also will provide the chance to do some needed housecleaning after 40 years – to clarify some language in the SMP, update regulations, or to reexamine certain shoreline uses that may not be as appropriate as they once were.

Missing Requirements not in the Current SMP

A. Consistency with Comprehensive Planning & Development Regulations

SMPs under the Guidelines require consistency with comprehensive plans and development regulations prepared under the Growth Management Act (GMA). Achieving consistency involves a wide range of actions that minimally include:

- Ensuring that environment designations are a logical extension of the future land use and zoning map
- Making sure there is adequate infrastructure and services for the uses provided in the environment designation
- Integrating critical areas regulations into the policies and regulations

Pacific County adopted its critical areas ordinance (CAO) in 1999 and updated its comprehensive plan in 2010. However, the 2000 SMP is silent in relation to these documents and there is some clear inconsistency between them. For example, setbacks for development along shorelines in the SMP do not match with those required under the CAO. It is important

1 173-26-186 (7)
to note that given the age of the current CAO, it also may not comply with the best available science provisions required under RCW 36.70A.172 and Chapter 365-195 WAC.

B. No Net Loss

An important policy stated in the Shoreline Management Act and the Guidelines require the protection and restoration of the ecological functions of shoreline natural resources. SMP policies and regulations must reach this benchmark and demonstrate it through a cumulative impacts analysis of expected development that will occur over the next 20 years.

While the 2000 SMP may broadly achieve this objective through its general policies, many of its policies or regulations lack the necessary specificity to implement the no net loss policy. How the 2000 SMP handles the issue of no net loss of wetlands within the shoreline provides a good example. While the SMP has the following policy “Preserve and protect wetlands to prevent their continued loss and degradation,” it provides no regulatory guidance on how to accomplish this. The Guidelines now lay out clear direction as to how an SMP does this. Thus, while the intent of the 2000 SMP does not intrinsically change, the Guidelines now require greater specificity as to how the county will meet today’s environmental protection standards.

C. Shorelines of Statewide Significance:

SMPs need to address how it will implement the following priorities set in RCW 90.58.020:

- Recognize and protect the statewide interest over local interest
- Preserve the natural character of the shoreline
- Result in long term over short term benefit
- Protect the resources and ecology of the shoreline
- Increase public access to publicly owned areas of the shorelines
- Increase recreational opportunities for the public in the shoreline

The 2000 SMP lacks discussion on Shorelines of Statewide Significance, a significant shoreline area within the county that includes the marine environment and Willapa Bay, as well as the North, Willapa, and the Columbia Rivers.

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2 WAC 173-26-186 (8)
3 Pacific County 2000 SMP, page 17.
4 WAC 173-26-221 (2) (c) (i)
D. Property Rights

Recognizing and protecting private property rights is a major policy goal of the Growth Management Act and the SMA. The 2000 SMP makes no policy or regulatory connection to this important goal.

2000 SMP Sections Needing Clarity or Specificity

A. Shoreline General Provisions, Modifications, and Use Regulations

An effective SMP has regulations that achieve the goals set by the community for shoreline management. The clarity of those regulations protects property rights and avoids community disagreements as to whether their enforcement is appropriate and consistent for all parties.

The Guidelines help communities assess the clarity of their regulations through a series of sections that discuss specific shoreline development and use. These include:

General provisions for all environment designations:
- Archeological and historic resources
- Critical areas
- Flood hazard reduction
- Public access
- Shoreline vegetation conservation
- Water quality, storm water, and nonpoint pollution

Shoreline modifications projects in appropriate environment designations:
- Shoreline stabilization
- Piers and docks
- Fill
- Breakwaters, jetties, groins, and weirs
- Beach and dune management
- Dredging and dredge material disposal
- Shoreline habitat and natural systems enhancement projects

Shoreline uses in appropriate environment designations:
- Conditional uses
- Agriculture
- Aquaculture
- Boating facilities
- Commercial development
- Forest practices

5 WAC 173-26-176 (3) (h)
The Guidelines generally provide a helpful pattern of explaining when these regulations apply (applicability), what the regulations should achieve (principles), and what needs to be addressed (standards). In this way, the Guidelines become a practical checklist to test the contents of the 2000 SMP to determine if it adequately addresses these shoreline topics.

A random check of how some of the 2000 SMP regulations compare to the Guidelines is helpful to demonstrate that some sections may need expansion or revision.

**Agriculture**

Section 4 of the 2000 SMP (page 29) provides regulations for Agriculture in each of its Environment Designations. Since the adoption of the county’s SMP, RCW 90.58.065 exempts existing agricultural activities and land from regulation through a master program. Master program provisions do apply to new agricultural activities. An updated SMP will need to reflect this change.

**Aquaculture**

Aquaculture is a significant shoreline use in Pacific County. The 2000 SMP does not have specific policies related to aquaculture, it does provide general regulations for the use under Section 5 (page 33).

There are several new provisions in the Guidelines pertaining to aquaculture. The general provisions in the Guidelines discuss how aquaculture is an important activity of statewide interest, but it does require new uses to locate in areas where it will assure no net loss of ecological function. The updated SMP will need to provide guidance on how to do this. In addition, siting geoduck production has surfaced as a major issue that the SMP must address.

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6 WAC 173-26-241 (3) (a)
7 WAC 173-26-241 (3) (b)
Shoreline Vegetation Conservation

The 2000 SMP has two policies governing vegetation management (page 18) that provide a general statement about noxious weed removal.

Vegetation conservation under the Guidelines includes protecting and restoring vegetation along or near marine and freshwater shorelines that contribute to ecological function. Each master program does this by providing for specific standards for buffers, clearing and grading requirements, and regulatory incentives. Standards should also note that selective pruning of trees for safety and view protection as well as the removal of noxious weeds may be allowed.

Piers and Docks

The 2000 SMP has two policies that provide general statements that piers and docks should not interfere with navigable waters and that site design should minimize environmental impacts (page 26).

The Guidelines require a more explicit standard for piers and docks. They must serve water-dependent or public access uses, serve water-related and enjoyment uses as part of a mixed-use development, and be the minimum size necessary. Docks and piers serving single-family residences must avoid or, if no other option is available, minimize impacts to critical areas. The SMP update also will need to consider design considerations approved by state agencies.

Shoreline Stabilization

The requirements relating to shoreline stabilization significantly expanded under the new master program Guidelines. The scope of the Guidelines focus on preventing potential impacts of shoreline stabilization projects to shoreline ecological functions. Several new standards surface in the section that the 2000 SMP does not address.

- New development should be located and designed to avoid the need for future shoreline stabilization.
- New shoreline stabilization is not allowed unless the project meets a specific set of criteria described in the Guidelines.
- Replacement of a shoreline stabilization structure is allowed under a specific set of criteria described in the Guidelines.

The 2000 SMP provides four broad policies governing Shoreline Modification (page 25) and two sets of regulations: one under Section 15 entitled Shoreline Works and Structures (page 173-26-221 (5) 173-26-231 (3) (b) 173-26-231 (3) (a)
57) and another under the Columbia River Segment, Section 27, Shoreline Stabilization (page 82). Both of these sections do not address the standards required under the Guidelines.

B. Shoreline Environment Designations:

SMPs must prepare policies and assign environment designations to each distinct shoreline section in its jurisdiction in accordance with WAC 173-26-211. The Guidelines suggest the following shoreline environment designations for jurisdictions:

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

However, the Guidelines do allow flexibility for the county in identifying the best designation system. The designations a county does develop needs to reflect the biological and physical characteristics discussed in its Shoreline Inventory, Analysis, and Characterization Report as well as the goals and aspirations expressed by the community through the comprehensive plan and the update participation process.\textsuperscript{11}

The 2000 SMP (Section 25) provides for the following designations:

- Natural Environment
- Conservancy Environment
- Rural Environment
- Urban Environment

Appendices 1 and 2 provide additional policy guidance and subcategories to the 2000 SMP Environment Designations.

The Columbia River Segment has its own Environment Designations in the 2000 SMP:

- Natural Aquatic Environment
- Conservancy Aquatic Environment
- Development Aquatic Environment
- Natural Shorelands Environment
- Conservation Shorelands
- Rural Shorelands
- General Development Shorelands
- Water-Dependent Development Shorelands
- Ocean Environment

\textsuperscript{11} WAC 173-26-211
In addition, the Ocean Environment designation in the 2000 SMP covers “...waters of the Pacific Ocean from Cape Disappointment north to the border between Pacific County and Grays Harbor County; and from the mean high tide, seaward three miles.” However, this designation does not show up on the official maps, an inconsistency that particularly affects interpretation of the Ocean Resources regulations under Section 27 of the 2000 SMP.

Consolidation and simplification of the current Environment Designations into a single, countywide approach could facilitate ease of citizen understanding as well as administrative application of the SMP.

There have been limited changes to the original 1975 maps that show the application of these designations. Changes in land use and topography, along with new scientific information, merit the review of the appropriateness of assigning these designations to specific shorelines. The current official maps also rely on an unusual application of multiple parallel designations along a single reach, which complicates shoreline delineation by both citizens and public officials. The example to the right demonstrates this complexity as currently applied to the North River. This approach is worthy of revisiting.

**Conclusion**

Without a doubt, Pacific County’s SMP provides an excellent foundation for meeting the three goals of the Shoreline Management Act: promoting preferred uses along shorelines of the state, protecting shoreline natural resources, and providing public access. The update process is an opportunity for the community to make this document even more effective by asking

- Does the current SMP continue to meet these goals appropriately for Pacific County?
- Do the policies provide sufficient guidance and clarity for attaining those goals?
- Do the regulations provide a clear and consistent pathway for implementation?

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12 Pacific County 2000 SMP, page 91