

Staff Report

Date: October 15, 2015
To: Planning Commission
From: Tim Crose, Planning Director
RE: Shoreline Master Program Update – First Draft

Introduction

The purpose of this workshop is to introduce the Planning Commission members to some of the “contentious” issues surrounding the update of the Shoreline Master Program, and to begin discussing these issues. During the public hearing phase of the process, you will make decisions and recommendations to the Board of County Commissioners on these topics.

Topics

1. Shoreline Jurisdiction

We have the option of maximizing or minimizing shoreline jurisdiction (areas under the jurisdiction of the Shoreline Master Program). If the goal is really to “maximize the Master Program’s jurisdictional scope” (goal 1.5.B.6 page 2. Draft SMP), consider extending shoreline jurisdiction to include the full 100-year floodplain and wetland buffers. Shoreline jurisdiction is limited under state law to 200 feet from OHWM. The following provisions in the draft SMP need to be modified in order to be consistent with this limit:

a. Highest Astronomical Tide (HAT)

It has been proposed that HAT be used in place of the Ordinary High Water Mark to establish shoreline buffers on the east side of the Long Beach Peninsula. In some cases, these buffers may be outside of shoreline jurisdiction. You will have to consider if the HAT should be used, and if so, how to modify the provision to be consistent with shoreline jurisdiction.

- i. Pro’s – It will make establishing setbacks consistent in areas where there have been controversial OHW determinations.
- ii. Con’s – It may create a number of non-conforming structures and possibly be considered a taking in some circumstances. A large portion of Oysterville will become non-conforming.

b. Setbacks

Building setbacks will have to be established from shoreline buffers. This is a new concept (see Section 5.2 General Development Standards pages 61 -62 Draft SMP). Fifteen feet is the minimum distance from a buffer that a building or structure must be set back to allow for access, maintenance, etc.

Within the Coastal Conservancy Environment, building setbacks are currently established from the primary dune. As written, the building setback line from primary dune buffer is outside of shoreline jurisdiction. You will have to consider addressing ocean setbacks through zoning or the critical area ordinance.

2. High Intensity Environment

The High Intensity Shoreline Environmental Designation (SED) replaces the current Urban SED. The Shoreline Planning Committee has recommended limiting the High Intensity designation to ports only. Several property owners with properties supporting aquaculture uses (including water-dependent and in some cases, non-water-dependent components) on Willapa Bay request a redesignation to High Intensity (from Willapa Bay Conservancy) in order to reflect existing conditions and allow flexibility for future development.

a. Options:

- i. Keep with the Shoreline Planning Committees recommendation to limit the High Intensity Designation to ports only. Consider whether existing Willapa Bay Conservancy designation precludes any desired uses by aforementioned property owners.
- ii. Broaden the High Intensity SED and allow certain properties already engaged in aquaculture activities to be designated High Intensity. This option would allow further restriction of uses for remaining Willapa Bay Conservancy shorelines.
- iii. Modify Willapa Bay Conservancy Use and Modifications (Section 5 pages 53 – 62 Draft SMP) to more broadly allow for certain commercial activities.

3. Coastal Ocean Environment

The draft SMP severely limits fixed structures in the Coastal Ocean environment. Ecology has indicated that this approach is overly broad and restrictive, and is inconsistent with the text of the SMP.

- a. Specific issues include:
 - i. In-water structures in Coastal Ocean environment
 - ii. Utilities for consideration - Wind, tidal, and wave energy facilities, (At odds with PUD's current plan)
 - iii. Utility cables, conduits, corridors entering and crossing shoreline. Note: these are also broadly prohibited across upland environments, which is problematic.
- b. Options:
 - i. Allow utility corridors in upland areas as a permitted or conditional use.
 - ii. Allow Pilot Projects such as the PUD is proposing as a conditional use.
 - iii. Prohibit all utility corridors in Aquatic and upland designations for consistency and correct the text and table language so they are aligned. Goals and Policies will have to be reinforced to justify the prohibition.

4. Vegetation Management

Tree topping and other mechanical pruning of vegetation is prohibited within shoreline buffers in the draft SMP. The residents of Surfside Estates are mixed about the idea of tree topping to preserve views.

- a. Options:
 - i. Consider Surfside canals associated waterways within Shoreline Jurisdiction and establish significant buffers eliminating tree topping.
 - ii. Do not extend Shoreline Jurisdiction to include Surfside canals and establish reasonable buffers within the Critical Area Ordinance. Prohibit tree topping only within these smaller buffers.