

## Staff Report

**Date:** January 7, 2016  
**To:** Planning Commission  
**From:** Tim Crose, Planning Director  
**RE:** Pacific County Shoreline Master Program Update

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### **Subject: Planning Commission Public Hearing: SMP Section 5 and Shoreline Environment Designation Maps**

The purpose of this document is to provide an overview of relevant information for the Planning Commission's second public hearing on the Pacific County Shoreline Master Program (SMP), to be held on January 7, 2016. For an overview of the SMP update process and hearing schedule, please refer to the staff report for the first public hearing, held on December 3, 2015.

This document provides a brief summary of each of the SMP sections to be addressed at the January 7<sup>th</sup> hearing, including purpose and applicability, major changes from the 2000 SMP, and outstanding issues for consideration by the Planning Commission.

### **Section 5: Shoreline Uses, Development and Modifications**

#### **Section 5.1: Use, Development and Modifications Matrix**

##### *Purpose and applicability*

- Specifies which uses and modifications are permitted ("P"), conditionally permitted ("C"), and prohibited ("X") in each environment designation. Uses and modifications may also be regulated according to the adjacent upland environment designation ("Upland") or not applicable ("NA").
- Concisely summarizes and interprets development regulations from the body of the SMP (Sections 5 and 6).

##### *Major changes from Existing Shoreline Master Program*

- Use matrix in existing SMP only applies to Columbia River Estuary shorelines, and provides separate tables (with separate uses and modifications) for aquatic and upland designations.
- Proposed SMP provides one large table for all shorelines and uses. Major use and modification categories in the table have a one-to-one relationship with specific use and modification regulations sections in Sections 5 and 6 of the SMP.

### *Outstanding Issues*

1. Net-pens: Ecology questions broad prohibition of net-pens for growing fish to harvest size in all aquatic environments. SPC cites concerns about downstream/estuary pollution. Public comments have indicated a desire for more allowances for temporary/seasonal net-pens, particularly for salmonid enhancement. (p.56)
2. Aquaculture: Ecology questions de facto prohibition of aquaculture (with the exception of live tanks and sink floats) in Coastal Ocean designation. Ecology requested clear rationale in the record supporting the prohibition. (p.56)
3. Commercial development:
  - a. To clarify intent of Willapa Bay Conservancy designation, footnote added for water-related and water-enjoyment uses; specifies that such uses are coded as "P" (instead of "C") when consistent with underlying zoning, and that all non-water-dependent commercial uses be associated with a water-dependent use. (p.57)
  - b. Consider the use of "Upland" in all aquatic environment designations to clarify permitting process for commercial uses that extend over water. (p.57)
4. In-water structures:
  - a. Freshwater Aquatic: Consider "C" instead of "X" to allow for certain in-water structures, such as weirs, floodgates, or structures related to fish restoration that could be proposed on lakes or rivers in the County. (p.58)
  - b. Coastal Ocean: Ecology has expressed concern at broad prohibition of fixed structures (see TWC memo 11/17/15). Per conversations with SPC and Ecology, "X" is retained, and proposed revision includes a footnote specifying that temporary structures may be permitted as a conditional use for a period of up to two years, with an option for a one year extension; also, single-anchor systems are coded as "P" in all aquatic environments. (p.58)
5. Transportation: Draft table includes a row for railroads. Does the County expect new rail within shoreline jurisdiction, or is this an artifact from existing SMP? If not anticipated, it would be appropriate to handle as a conditional use. (p.59)
6. Utilities:
  - a. Prohibitions on small primary utilities and on utility cables, conduits, and corridors entering and crossing shorelines (upland designations) are inconsistent with existing development patterns. Suggest "C." (p.59)

- b. Per conversations with SPC and Ecology, prohibition on utility cables/conduits/corridors in the Coastal Ocean and Willapa Bay Estuary environments is retained. Added footnote allows temporary structures as a conditional use (same approach as for in-water structures, above). (p.59)
- 7. Ocean disposal: Allowances for specific dredge disposal methods (e.g. belly dump, Alamo) moved out of body of table and into footnote. Definitions of these technical terms are needed. (p.60)
- 8. Ocean transportation: Ocean transportation uses, other than transport of petroleum products, are coded as "C" in the Coastal Ocean and Coastal Ocean High Intensity environments. SPC recommends revision to "P" for added flexibility. For PC consideration. (p.60)
- 9. Oil and gas uses: Table prohibits pipelines associated with ocean use in all aquatic environments. However, Section 6.4.B.2 (Ocean Transportation) permits the transport of oil and gas via pipeline as a conditional use. Consider revising to "C" for Coastal Ocean High Intensity environment. (p.60)
- 10. Ocean energy production: Draft table prohibits fixed structure uses in all applicable aquatic environments ("NA" in Freshwater Aquatic and Columbia River Estuary environments). Per conversations with SPC and Ecology, "X" is retained, and proposed revision includes a footnote allowing temporary structures as a conditional use (same approach as for in-water structures and utility cables/conduits/corridors, above). (p.60)
- 11. Applicability: "Coastal Ocean Uses and Modifications," included in the table and covered under Section 6 of the draft SMP, applies to Willapa Bay as well as Pacific Ocean. Accordingly, entries for Willapa Bay Estuary environment have been added to this section of the table.

## **Sections 5.2 and 5.3: General Development Standards and General Shoreline Uses**

### ***Purpose and applicability***

- Similar to Section 4 of the SMP, these sections include policies and regulations for all shoreline uses and modifications.
- Section 5.2 includes dimensional standards, such as buffers, setbacks, and height restrictions. Table 5-2 presents these standards by environment designation.

### ***Major changes from Existing Shoreline Master Program***

- Existing SMP contains policies for general shoreline use and development, but does not contain regulations to implement those policies. Regulations in the existing SMP are largely limited to specific uses and modifications.

- Dimensional standards in the existing SMP are included in several different use and modification sections, rather than being presented together in a table for general application to all shoreline uses and modifications.
- Existing SMP defines smaller shoreline buffers for manmade lakes and canals to address Surfside canals. These were removed, as buffers surrounding Surfside canals are not included in shoreline jurisdiction.

### ***Outstanding Issues***

1. Table 5-2: For PC consideration: reduction of proposed shoreline buffers on Shoreline Residential shorelines. Draft SMP sets these buffers at 100 feet. Analysis of existing conditions shows that intact vegetated buffers are largely absent from existing developed parcels in this environment designation (mean vegetated buffer width = 11 feet). In most cases, shoreline areas are fronted by levees, which disrupt potential buffer functions. (p.64)
2. Table 5-2: Shoreline buffers and setbacks on Coastal Conservancy shorelines need to be revised according to new dune buffer/setback approach (see discussion under 5.10 Dune Modification, below). (p.64)
3. Table 5-2, footnote 3: Existing SMP provides allowances for additional height for industrial uses and in-water structures, such as hydropower, and electric transmission facilities. This is included in draft SMP; however, State Ocean Management Guidelines require that views be accounted for, and that reasonable steps be taken to avoid and minimize adverse impacts to recreation and tourism. Consider changing the standard or providing rationale, and more specific criteria, for these additional height allowances. (p.64)

## **Section 5.4 – 5.23: Specific Shoreline Uses, Development, and Modifications**

### ***Purpose and applicability***

- Each section contains policies and regulations that address a specific shoreline use, development, or modification. Collection and organization of uses is guided by County input as well as state guidance.
- Together with Table 5-1, policies and regulations in these sections guide County permitting requirements and decisions.

### ***Major changes from Existing Shoreline Master Program***

- Proposed SMP contains a slightly different collection and organization of uses and modifications than existing SMP. Regulations from the existing SMP were incorporated into appropriate sections of the draft SMP as an initial step in the SMP

update process. For example, Section 16 from the existing SMP, Landfill and Dredging, includes provisions relevant to fill and excavation, dredging and dredge disposal, and ocean disposal, and was divided and reorganized in the draft SMP accordingly.

### ***Outstanding Issues***

1. 5.10 Dune Modification
  - a. Dune buffers, 5.10.B.2: The proposed SMP defines the primary dune buffer as extending from the ordinary high water mark inland to the landward boundary of the primary dune, which is identified by slope break (change in grade). This approach is potentially highly variable and imprecise. The existing SMP sets the primary dune buffer at a constant 100 feet from the grass line. (p.83)
  - b. Dune setbacks, 5.10.B.4: Per SPC and County discussion, building setbacks from the primary dune buffer will be defined in the CAO rather than the SMP, using the 1968 Seashore Conservation Line. These provisions will be modified to refer to the relevant CAO section. (p.84)
2. 5.11 Fill and Excavation (p.84): 5.11.B.9 includes provisions that apply only to Columbia River Estuary shorelines. This separation comes from the existing SMP, but the provisions may be applicable to all County shorelines. For PC consideration. (p.85)
3. 5.13 Industrial Development: In response to SPC and Ecology feedback, provisions for water storage of logs have been added (5.13.B.8). For PC consideration. (p.88)

## **Shoreline Environment Designation Maps**

### ***Purpose and applicability***

- Official Shoreline Maps are used, together with the provisions in Section 3, to delineate environment designations and their boundaries.
- Maps are used by the County in administration of shoreline permits.

### ***Major changes from Existing Shoreline Master Program***

- All shoreline areas have been assigned new designations according to the proposed SEDs and associated designation criteria in the draft SMP.
- A few designation errors were identified in the first draft SED maps; these have been corrected. They are:
  - Jetty A redesignated from Natural to Coastal Conservancy to avoid turning it into a nonconforming use under Table 5-1.

- Boundaries of the Coastal Ocean High Intensity designation modified per SPC input (see maps).
- High Intensity designation boundary in Bay Center modified to align with parcel boundaries (see maps).

### ***Outstanding Issues***

1. Ecology recommends that the aquatic areas within the Smith Creek State Wildlife Recreation Area, which are currently designated Freshwater Aquatic, be redesignated as Willapa Bay Estuary to reflect likely presence of estuarine wetlands.
2. Consider redesignation of Bone River Natural Area Preserve and Niawiakum River Natural Area Preserve shorelines from Willapa Bay Conservancy to Natural.
3. More clarity is needed regarding the difference between shorelines designated as Willapa Bay Conservancy versus Rural Conservancy. For consideration:
  - a. Black Lake (WBC)
  - b. Willapa River east of Raymond (RC)
  - c. Smith Creek east of the State Wildlife Recreation Area (RC)
4. Several property owners with properties that currently support aquaculture uses have expressed concern that the Willapa Bay Conservancy designation may not be appropriate and/or does not allow the flexibility needed to support those uses. These property owners have requested redesignation of their shoreline parcels as High Intensity (see maps in Google Earth).

### **Miscellaneous Outstanding Changes and Issues**

The following is a list of changes and issues that have not yet been discussed by the Planning Commission, but that are located in SMP sections already addressed at a previous public hearing.

1. Section 3.2.D.2, designation criteria for High Intensity Shoreline Environment Designation: Deleted “These High Intensity designations border Willapa Bay Estuary and Willapa Bay Conservancy environment designations.” High Intensity shorelines in Chinook border Columbia River Estuary and Shoreline Residential shorelines. It is not necessary to constrain the High Intensity designation by including language that does not otherwise contribute to the nature of the designation.
2. Section 3.4. Official Shoreline Maps and Unmapped or Undesignated Shorelines, subsection (D): Added the following provision, modified from SPC suggestion: “For ordinary high water mark determinations and wetland delineations made during the dry season, the Administrator may require third party review of the determination.”

3. Section 7.2, Preexisting Structures and Uses, subsection (A.)(3.): Modified based on feedback from County staff to allow for replacement of nonconforming structures after 100% destruction. This approach is consistent with the nonconformance provisions in the CAO.