

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: D-1
DATE: August 24, 2010
SUBJECT: Shoreline Goals and Policies
CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the city council is to review the planning board's recommendation to replace the goals and policies from the 2008 comprehensive plan with the goals and policies from the 2008 SMP. The comprehensive plan would reference the shoreline policies to ensure consistency between the two documents.

PLANNING BOARD RECOMMENDATION

The 2011 updated comprehensive plan would reference the shoreline goals and policies in the 2008 SMP.

SUMMARY:

The City of Sultan Shoreline Master Program consists of goals, policies, recommendations, and implementation plans to guide the development of the city's shorelines in support of the city's land use element and vision for the future.

The Shoreline Master Program is a separate program from the comprehensive plan but the SMP must be consistent with the comprehensive plan. The city's shoreline management policies are included in Chapter 2.6 of the 2008 revisions to the 2004 comprehensive plan.

The Puget Sound Regional Council (PSRC) did not include any multi-county planning policies that specifically address shorelines. The city should ensure its shoreline goals and policies are consistent with the PSRC multi-county planning policies (MPP).

BACKGROUND:

Community Feedback

The small group reviewed the shoreline policy questions on February 3, 2010. The general consensus was to meet the minimum requirements of the state shoreline

management act. There was discussion about using the city's extensive shoreline resources as a way to attract tourism and improvement economic development.

DISCUSSION:

Vision 2040 Regional Context

Vision 2040: The region will care for the natural environment by protecting and restoring natural systems, conserving habitat, improving water quality, reducing greenhouse gas emissions and air pollutant, and addressing potential climate change impacts. The region acknowledges that the health of all residents is connected to the environment. Planning at all levels should consider the impacts of land use, development patterns and transportation on the ecosystem.

Growth Management Requirements

Cities that plan under the Growth Management Act are required, under RCW 36.70A, to ensure that there is mutual and internal consistency between the comprehensive plan elements and implementing development regulations (including master programs).

This requirement also requires consistency between the shoreline master program and the future land use plan, specifically demonstrating that there is consistency regarding the:

- (1) *Ability of physical aspects of the plan to coexist on the available land.*
- (2) *Ability of the plan to provide that adequate public facilities are available when the impacts of development occur (concurrency). (RCW 365-195-500)*

In addition, the Growth Management Act also calls for coordination and consistency of comprehensive plans among local jurisdictions:

. . . The comprehensive plan of each county or city that is adopted pursuant to (... the Growth Management Act) shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to chapter (Growth Management plans) of other counties or cities with which the county or city has, in part, common borders or related regional issues. (RCW 36.70A.100)

Shoreline

Shorelines are defined as "those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark, including floodway areas landward for 200 feet from such floodways and all wetlands and river deltas associated with the streams and lakes.

In Sultan this includes the Skykomish River, Sultan River and Wallace River. Other streams and wetlands are covered under the critical areas ordinance (see below).

Sultan 2008 Shoreline Master Program (Effective July 17, 2008)

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline master programs developed by each community. Within these guidelines, it is left to each community to develop the specific regulations appropriate to that community.

RCW 90.58. is the shoreline management act¹

There are eight required master program “elements” required by state law:

1. Shoreline Use
2. Economic Development
3. Public Access
4. Circulation (roads and trails)
5. Recreation
6. Conservation and Restoration
7. Historical/Cultural/Scientific/and Educational
8. Flood Control (Hazard)

Under the SMA, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

Sultan has designated five shoreline environments: Urban Center, Shoreline Residential, Urban Conservancy, Natural, and Aquatic. These environments are described in *Chapter 5: Shoreline Environments*.

A final draft of the city’s shoreline master program is available on-line at:

http://www.ci.sultan.wa.us/City_Hall/City_Boards_and_Commissions/Planning_Board/Shoreline_Master_Plan/

The planning board held a public hearing in January 2009 to amend Chapter 7 - Administrative Rules to transfer quasi-judicial actions from the council to the hearing

¹ <http://apps.leg.wa.gov/rcw/default.aspx?cite=90.58>

examiner. The council adopted Ordinance No. 1032-09 in April 2009 making the changes effective.²

Critical Areas Ordinance

The critical areas ordinance (Ordinance No. 918-07 minor amendment Ordinance No. 947-07) are included in Appendix B to the Shoreline Master Program. The regulations are codified in Chapter 16.80 of the Sultan Municipal Code.

The critical areas ordinance is designed to promote the public health and general welfare by designating wetlands, streams, habitat areas, and geologically hazardous areas, and regulating development activity in these areas.

Additionally, it is the intent of this chapter to adopt development regulations, required in RCW 36.70A.060, precluding land uses or development that is incompatible with critical areas designated under RCW 36.70A.170.

Critical areas are defined as streams, wetlands, erosion hazard areas, and landslide areas. The regulations define the setbacks, buffers, study areas, mitigation, performance standards, and development standards for development proposals and approvals.

STAFF RECOMMENDATION:

Replace the goals and policies from the 2008 comprehensive plan with the goals and policies from the 2008 SMP. The comprehensive plan would reference the shoreline policies to ensure consistency between the two documents.

ATTACHMENTS:

- A– Shoreline Master Plan Goals and Policies
- B – Chapter 2.6 Shoreline Management 2008 Revisions 2004 Comprehensive Plan
- C – Small Group Policy Questions and Public Comment

² http://www.ci.sultan.wa.us/City_Hall/City_Council/Agendas_Minutes/2009/2009-04-08/attachments/C_5_Ordinance_1032-09_SMP_Chapter_7.pdf

4

Shoreline Elements – Goals

INTRODUCTION

As required by the Shoreline Management Act in RCW 90.58.100, the following elements have been considered in the preparation of this Master Program for the City of Sultan: Economic Development, Public Access, Recreation, Circulation, Shoreline Use, Conservation, Historical/Cultural Resources, and Floodplain Management. The goals and objectives established for these elements provide the basis for policies and regulations included under the general and specific use requirements of this Master Program.

ECONOMIC DEVELOPMENT ELEMENT

Goal Provide for economically productive uses that are particularly dependent on their shoreline location or use.

Objective Plan for economic activity that is water-dependent, water-related, or that provides an opportunity for a substantial number of people to enjoy the shoreline (water-enjoyment).

PUBLIC ACCESS ELEMENT

Goal Increase public access to publicly-owned areas of the shoreline, and preserve and enhance shoreline views.

Objective To provide for public access to publicly owned shoreline areas, except where deemed inappropriate due to safety hazards, inherent security problems, environmental impacts, or conflicts with adjacent uses.

Objective Preserve and enhance shoreline views.

RECREATIONAL ELEMENT

Goal Provide for the preservation and enlargement of public and private recreational opportunities and recreational facilities along the shoreline, including but not limited to, parks and recreational areas, wherever appropriate.

Attachment A – SMP Goals and Policies (objectives)

Objective To develop public and private recreation opportunities that are compatible with adjacent uses and that protect the shoreline environment.

CIRCULATION ELEMENT

Goal Provide for a safe and adequate circulation system including existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities within the shoreline jurisdiction that benefits permitted uses without degrading the environment or aesthetic values of the area.

Objective To ensure that uses permitted in shorelines areas are designed and conducted in such a manner that any interference with the public’s use of the water and shoreline is minimized, as much as is practical.

SHORELINE USE ELEMENT

Goal Ensure that the overall design of land use patterns will locate activity and development in areas of the shoreline that will be compatible with adjacent uses and will be sensitive to existing shoreline environments, habitat, and ecological systems.

Objective To promote the best possible pattern of land and water uses consistent with the Shoreline Management Act of 1971, the City of Sultan Comprehensive Plan, the City of Sultan Comprehensive Flood Hazard Management Plan, and the Sultan Zoning Code.

CONSERVATION ELEMENT

Goal Preserve, protect, and restore³ the natural resources of the shoreline, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

Objective Through the use of best available science develop and implement siting criteria, design standards, and best management practices that will ensure the long term enhancement of unique shoreline features, natural resources, and fish and wildlife habitat.

Objective To designate and develop areas where there is an opportunity to restore, enhance, and conserve the natural shoreline for the benefit of fish and wildlife habitat.

³ The Shoreline Management Act (RCW 98.58.100 (2)f) states that a shoreline master program shall include: “A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.” The shoreline guidelines suggest that one goal of an SMP shall be the “Protection and restoration of the ecological functions of shoreline natural resources.”

HISTORICAL/CULTURAL ELEMENT

Goal Identify, preserve, protect, and restore shoreline areas, buildings, and sites having historical, cultural, educational, or scientific values.

Objective To ensure the recognition, protection, and restoration of shoreline areas that have historical and or cultural value to the City of Sultan and create a unique “sense of place” for public facilities, recreation areas in the shoreline jurisdiction.

Objective To ensure the recognition, protection, and restoration of shoreline areas that have educational or scientific values to the City of Sultan.

FLOOD HAZARD MANAGEMENT

Goal Protect the City of Sultan from losses and damage created by flooding.

Objective To seek regional solutions to flooding problems through coordinated planning with state and federal agencies, other appropriate interests, and the public.

Objective To ensure that flood hazard protection projects have a positive environmental benefit that emphasizes long-term solutions over short-term solutions.

RESTORATION ELEMENT

Goal To protect and improve water quality, reduce the impacts of flooding events; and preserve natural areas, vegetation, and preserve and restore habitat functions.

Objective The degraded processes of the Sultan Shoreline will be restored to the extent that a net improvement to the shoreline ecosystem is obtained to benefit water quality, vegetation, and the residents of Sultan.

2008 Revisions 2004 Comprehensive Plan

2.6 Shoreline Management

The Shoreline Management program is currently under development with a scheduled completion date in the Summer of 2008.

The following goals and objectives are based on an analysis of existing shoreline conditions and the results of workshop planning sessions.

Goal: Protect natural quality

Preserve and protect the unique, interdependent relationship between Sultan's water, land, and cultural heritage.

1 Waterway

Define and regulate the design and operation of water-oriented activities including over-water-structures or water-borne improvements such as piers, floats, barges, and the like to protect the navigational capabilities of the Wallace, Sultan, and Skykomish Rivers. Define and regulate activities that may occur within or affect the natural currents, flows, and even floodways to protect the functional integrity of the Wallace, Sultan, and Skykomish Rivers' waterways.

2 Habitats

Preserve natural habitat areas, including banks, streams, and associated wetlands, from disruption. Protect fragile ecosystems that provide the waterfront unique value, especially fish spawning beds in the natural tributaries of the Wallace, Sultan, and Skykomish Rivers and Winters and Wagley's Creeks.

3 Water and shoreline quality

Define and regulate activities that contaminate or pollute the Wallace, Sultan, and Skykomish Rivers, and Winters and Wagley's Creeks and shorelines including the use or storage of chemicals, pesticides, fertilizers, fuels and lubricants, animal and human wastes, erosion, and other potentially polluting practices or conditions.

4 Natural setting

Preserve Sultan's natural shoreline and waterway setting to the maximum extent feasible. Control dredging, excavations, land fill, construction of bulkheads, piers, docks, landings or other improvements that will restrict the natural functions or visual character of the Wallace, Sultan, and Skykomish Rivers or shorelines. Utilize natural materials and designs where improvements are considered to blend new constructions with the natural setting and with older structures.

Goal: Maintain a mixed-use waterfront

Retain a mixed-use waterfront including those agriculture, fishing, boating, and tourist uses that provide Sultan's shoreline unique appeal.

5 Fishing

Preserve fishery developments as a significant cultural and economic resource. Retain important fishing support services and promote development of additional docking and landing facilities consistent with fishing needs.

6 Pleasure boating

Encourage the development of temporary docking and landing facilities for day use and transient watercraft. Retain open surface water area to the maximum extent possible to facilitate safe and convenient watercraft circulation.

7 Commercial uses

Encourage development of water-oriented commercial uses in locations that can be provided adequate and unobtrusive supporting services including parking. Require commercial developments to provide public facilities and access to shoreline banks, dikes, docks, walkways, and other facilities including vistas.

8 Recreation

Develop existing publicly owned shoreline properties to provide additional public access where appropriate – particularly in Reese and Sportsmen's Parks. Acquire additional sites, where possible, along the Wallace and Skykomish Rivers. Create a mixture of active and passive public facilities that do not intrude on the natural features of the shoreline.

Goal: Preserve a quality urban waterfront

Define and enforce the highest quality standards concerning present and future land use developments within Sultan's waterfront areas.

9 Balance and scale

Maintain a balance in waterfront land use development so that any single use does not overpower or detract from the others. Maintain a human, pleasing scale so that new structures do not overpower existing facilities and do not dominate the shoreline in terms of size, location or appearance.

10 Access and visibility

Create an accessible shoreline including the development of public parks, fishing and boat docks, picnic and passive overlooks, and viewpoints. Require private developments to provide equivalent access and visibility to tenants and users of new private developments, users of the waterway, and the public-at-large.

11 Amenities

Require waterfront developments to provide amenities commensurate with the project's enjoyment of the natural, public resource including where desirable, additional docks or landings, paths or walks, picnic and seating areas, fishing piers or areas, overlooks and viewpoints.

12 Supporting improvements

Enforce suitable standards governing shoreline improvements equal to the standards enforced in other developments within the Sultan urban area. In addition, illustrate and enforce design standards that control scale, construction materials, drainage patterns, site coverage, landscaping and screening, signage, and other features of unique importance to the waterfront setting. Encourage innovative, effective solutions that cluster and share common improvements, reduce paved areas, and otherwise blend constructions with the natural setting or with desirable features of Sultan's built environment.

**Small Group Meeting
February 3, 2010
Policy Questions**

1. Shoreline Use – Currently, the city’s shorelines adjacent to the Sultan and Skykomish Rivers have mostly low density residential uses. Over the last two decades, these areas have been subject to flooding on a regular basis.

Should the city continue to acquire and preserve its shorelines adjacent to the Skykomish, Sultan and Wallace rivers as “open space” for recreation uses or should the city support commercial, industrial and/or residential uses adjacent to the shoreline as a way to spur economic development?

2. Economic Development – Sultan sits at the confluence of the Skykomish and Sultan Rivers. This is both an opportunity and a threat. The opportunity is to capitalize on the great fishing experience and launch facilities at Sportsman’s Park to spur economic development and tourist activities. However, the floodplain created by the confluence of the rivers limits economic investment and connection between the river resources and the historic business district.

How can the city maximize the use of its shoreline for economic growth while meeting the requirement to “preserve, protect and restore the natural resources of the shoreline”?

3. Public Access – The city has a well-developed trail system in Osprey Park and informal trails in Reese Park. There are both designated and informal access points to the Skykomish and Sultan Rivers. The majority of trail and access points are unmonitored. These areas have attracted transients and illegal activities.

Should the city continue to actively acquire property along the shoreline for future trail systems as outlined in the comprehensive plan, or leave the shorelines in private ownership until the city has the capacity to monitor and maintain a larger trail system and formal access points?

4. Circulation – Should the city locate roads which are not shoreline-dependent, except recreational trails and bikeways, as far from the shoreline as feasible or allow roads within the shoreline that benefit permitted uses without degrading the environment? Should parking lots be allowed within the shoreline?
5. Recreation – Should the city increase and diversify recreation opportunities by promoting continued public acquisition of shoreline areas? Should recreation facilities be designed for regional use or local uses? Should recreation be active – swimming,

fishing, boating, etc. or passive open space and natural areas? Is the community prepared to provide additional tax support to operate and maintain active uses?

6. Conservation/Restoration – Under the shoreline management act, the city has an obligation to manage, conserve, protect, and restore shoreline areas. The city can meet the minimum standards or exceed the standards. Exceeding the standards will ensure the long-term preservation of the shoreline functions however, there are capital costs to taxpayers and developers.

Should the city continue to meet the minimum standards or go beyond the minimum?

7. Historic/Cultural – The shoreline management act requires cities to “identify, protect, and or restore the cultural, historical, scientific, and educationally valuable shoreline sites, structures and artifacts while promoting the acquisition of features for public uses where appropriate.” The city’s location at the confluence of the Skykomish and Sultan Rivers is historically important to the community, first as an Indian village then as a logging community.

How does the city want to maintain this connection to its past?

8. Flood Control – Should the city rearrange the future zoning map to align the designated floodplain with low density development to limit property loss?

Should the city provide additional development tools to properties within the floodplain so property owners can maximize the value of their land?

For example, should the city allow three-story residential development in the urban center (historic downtown) with the bottom floor used for parking to limit flood damage?