

SHORELINE AND CRITICAL AREAS

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)

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)

Sultan does not have a separate shoreline element in the comprehensive plan– staff recommend developing a shoreline element for the city’s comprehensive plan

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 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.

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

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

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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.

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)

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.

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*.

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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?

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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?