PLANNING COMMISSION

Shoreline Master Program Update

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Agenda

• Overview of each proposed amendment
• Share next steps in the process
• Explain public comment opportunities
• Answer your questions
Shoreline Master Program (SMP) Background

- Current SMP effective since October 2018
- Previous SMP in effect since 1974
- SMP applies to all marine shorelines, shorelines on lakes 20 acres in size or larger, and shorelines on creeks and rivers with greater than 20 cfs mean annual flow.
- Shorelines assigned one of five “Shoreline Environment Designations” (SED):
  - Natural
  - Conservancy
  - Residential
  - High Intensity
  - Aquatic
Amendments Proposed

1. Restrictions on new residential docks in portions of marine shorelines

2. Clarification of review requirements for non-commercial aquaculture that restores or enhances native shellfish or native anadromous species, such as salmon

3. Clarification of fencing allowances within buffers / setback areas

4. Acknowledgment of previously approved amendments to Pierce County Code Title 18E – Development Regulations – Critical Areas, which were adopted by the County through Pierce County Ordinance 2018-68s, and by the County and Department of Ecology through Ordinances 2019-59, and 2020-49.

5. One revision to existing allowances for paths in buffers and setbacks, to address Federal Emergency Management Agency (FEMA) concerns

4/5/2022
Current SMP:
New residential dock structures prohibited in Natural and High Intensity SED (~30% of marine shoreline) and allowed elsewhere subject to SMP policies and regulations.

Proposal:
Expand pier and dock prohibitions to include three new sections within Conservancy and Residential SEDs totaling approx. 7.3 miles.

Current allowances based, in part, on the Cumulative Impact Analysis (CIA) completed for the 2018 SMP update. The CIA provided assumptions of where docks were likely/unlikely to be proposed.
Much of our marine shoreline areas, such as those shown on the graphic with black dashed line, were previously evaluated by Environmental Science Associates (ESA) and considered “Low Potential” for dock applications, meaning these areas were “unlikely to support” such structures.

Actual dock applications question that original assumption. Based on a preliminary review of the No Net Loss (NNL) data collected to-date, since 2018 there has been approximately 12,000* square feet of new proposed dock:

- **Net increase of ~5400 sq.ft.** of new approved overwater structure in Residential and Conservancy Shoreline Environments
- **An additional ~4400 sq.ft.** of residential docks proposed (and under review) in the Residential Shoreline Environment.
- **An additional ~2400 sq.ft.** of docks proposed in the Residential or Conservancy Environments but, ultimately cancelled or expired.

*data as of October 2021
Piers and Docks Impacts

Pier and dock construction concerns include:

• Impacts to shoreline habitat & function
• Reduced access to public recreation opportunities
• Degraded views, aesthetics and shoreline character
• Impacts to Tribal fishing rights
• In 2019, in response to concerns over docks, County Council directed the initiation of additional shoreline analysis.

• The ESA study concluded that additional restrictions, based on mapped, physical shoreline attributes would be appropriate and provide additional protection of the marine shoreline.
Staff initially interpreted the ESA study to include:
- Residential and conservancy shorelines at least 1.5 miles in length with
- Few or no overwater structures,
- High levels of ecological function, and
- Containing opportunities for public access, enjoyment, and recreation
- Unstable slopes
- Moderate/strong nearshore current
- Shallow beach slope

This interpretation resulted in new pier and dock proposed restrictions along **38.8 miles** of marine shoreline.

This was presented to the public via:
- Joint LUAC / Public Information meeting on October 26, 2021
- Gig Harbor LUAC Public Information meeting on March 9, 2022
- SMP update website
- Social media
- Tacoma News Tribune article
• Staff listened to public comment and re-evaluated the 2020 study
• Discovered the proposed prohibitions affected stretches of shoreline less than 1.5 miles in length
  • Widely varying lengths of shoreline, some as small as 200 feet
• Did not address impacts to views-aesthetics-shoreline character or protect recreational access
The proposed amendment would prohibit docks within roughly four miles on the west shore of Fox Island.
Those four miles are interspersed with 1 1/3 miles where the prohibition wouldn’t apply, composed of scattered sections of shoreline as short as ~200 feet.
• Herron Island has 201 Total Parcels in Shoreline Jurisdiction
• Roughly ½ (90) would be affected by the new restriction and half would not
PPW Recommendation

Expand dock prohibition to include three discrete shoreline areas totaling 7.3 miles in length:

- South end of Fox Island (2.06 miles)
- South end of Key Peninsula (3.58 miles)
- North of Taylor Bay on the west side of the Key Peninsula (1.67 miles)

These three areas meet the following criteria:

- Equal to or in excess of 1.5 miles in length
- Forage fish spawning habitat is present
- Critical Salmon Habitat is present in some areas
- Few overwater structures
  - Currently only one identified, on south end of Key Peninsula-midpoint in 3.58 mile area
- Adjacent to established public access opportunities
Prohibitions in long, continuous portions of shoreline would more completely address concerns over impacts to views, recreation, shoreline character, and shoreline function than would a patchwork of prohibitions.

Fox Island - 2.06 miles on southern terminus

Key Peninsula: 1.67 miles on SE portion and 3.58 miles north of Taylor Bay on west side.
Amendment #2 – Review Requirements for Aquaculture

Current SMP: Aquaculture regulations applied uniformly

- No differentiation between commercial aquaculture operations and non-commercial projects focused on restoration or species recovery
- Permit requirements are complex and apply equally to all aquaculture proposals

Proposal: Incentivize aquaculture to restore native fish and shellfish stocks

- Recognition of “ Restoration Aquaculture”
- Allows for reduced level of permit requirements where appropriate
- Update the Definitions in PCC18 to include:
  - Finfish aquaculture for the enhancement or restoration of native, anadromous stocks
  - Shellfish aquaculture for the enhancement or restoration of native stocks
Amendment #3 – Clarify Fencing Allowances within Buffers & Setback Areas

**Current SMP:**
Fences may be proposed in all shoreline environments but, no standards (height, location, disturbance allowances) are provided in code.

**Proposal:**
Fences four feet or less in height may be allowed, through the shoreline review process, in a shoreline buffer or Lake Tapps setback if they:

1. are landward of ordinary high water or, (for Lake Tapps) 543 feet elevation;
2. cause no loss of trees;
3. do not disturb more buffer/setback area than is allowed by the SMP (“...Up to 500 square feet or 25 percent of the area encompassed within the first 50 feet measured from the ordinary high water mark...”).
Ordinance 2018-68s (Approved by County):

1) adds a protective requirement to an existing allowance for wetland buffer reduction by requiring that the “relatively undisturbed vegetated corridor” required as part of buffer reduction, must be native vegetation;

2) adds an additional protective requirement for Priority Oregon White Oak woodlands: “No unauthorized vehicles, construction materials, fuel, or other materials shall be allowed in the tree protection area”;

3) clarifies that, when an existing code allowance for lake buffer modification is proposed, and screening and/or vegetation is required, the vegetation must be native and drought tolerant;
Ordinances 2019-59 & 2020-49 (Approved by County and Ecology):

1) That regulated activities waterward of the ordinary high-water mark, in areas of confirmed forage fish spawning habitat or Herring Holding Areas, are not “prohibited”, but are instead, “temporarily suspended” during spawning periods. This language change does not allow for work in forage fish areas during spawning periods;

2) That protective restrictions only apply to native eelgrass, and not to the non-native eelgrass species which is listed as a Class C Noxious Weed;

3) The protective, undisturbed area widths between submerged vegetation and shellfish aquaculture is 16 feet.
Pierce County recently passed an emergency ordinance (ordinance 2021-90) to address FEMA comments related to Pierce County's participation in the National Flood Insurance Program.

In addition to the changes contained within that ordinance, FEMA requires one revision to the existing language of PCC18S, shown below in highlight:

**Item 1. PCC 18S.30.030 E4 Uses and Development Allowed within Standard Shoreline Buffer.**

- a. Water dependent uses and public shoreline access are allowed within the standard shoreline buffer subject to applicable regulations of the Master Program.
- b. An unpaved access path from a residential dwelling to the shoreline is allowed if:
  1. The path width is limited to 4 feet;
  2. The length of the path is minimized by keeping the path at a right angle to the shoreline to the degree feasible; and
  3. No trees are removed; and
  4. **No fill is placed in a floodplain.**

This change is required in order to stay in compliance with the National Flood Insurance Program.
Next Steps

March 2022

- Gig Harbor LUAC / Public Information meeting on March 9
- Key Peninsula LUAC / Public Information meeting on March 16

2022 TBD

- Public Process Continues
- Spring TBD: Revised SEPA issued
- April 5, 2022 (tentative): Planning Commission
- May 2, 2022 (tentative): Rules and Operations Committee
- May 15, 2022 (tentative): Community Development Committee

Public Comment Opened October 15

www.piercecountywa.gov/2021SMPupdates
Public Outreach

Fall 2021
• 9,323 postcards to affected residents
• Public information / joint LUAC meeting on 10/26/21
• Local news (TNT on 10/29/2021)
• Social media
• Website
• Established interested parties list

February 2022
• 136 letters to residents affected by amendment 1 (piers and docks)
• Social media
• Updated website
• Email to interested parties
  • (47 subscribers)

March 2022
• Two public information/LUAC meetings in March 2022
How to provide public comment...

- PierceCountyWa.gov/2021SMPUpdates, select “submit a comment” button
- Email: shorelines@piercecountywa.gov
- Call (253) 798-7210, option 5
- Attend a public meeting
Questions?

Thank You

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Questions

Ask Questions by Phone

Instructions if you dialed a phone number to join this meeting.

1. Press *9 on your phone to “raise your hand”, which notifies the Zoom host you wish to speak. (Note: if you are using a cell phone and have been on the call for a while, the screen may be dark. You will need to “wake up” the screen before pressing *9).

2. When it is your turn, we’ll call the last four digits of your phone number and an automated voice will instruct you to press *6 to un-mute.

3. Please un-mute yourself to speak. (Note: Please only press it once.) Once you are done mute your phone by pressing *6

Ask Questions by Computer

Instructions if you are on your computer or the Zoom app on your phone.

Type your question in the chat and we will answer them, after phone comments, in the order received.

We will post all Q&As to the website by Friday, October 29th.
Purpose of ESA Review:

- Assessment of existing SMP effectiveness in protecting shoreline ecological functions from development activities
- Consideration of opportunities to update standards for dredge material disposal

ESA Conclusions:

- Current SMP standards are appropriate and consistent with NNL requirements
- SMP includes standards that ensure all dredging activities are appropriate to maintain established navigation channels and/or water dependent uses
- SMP provides a clear preference for beneficial reuse
- State law requires the County defer open water disposal review to the Washington Department of Natural Resources