

## **CHAPTER 6 SHORELINE AREA DESIGNATIONS**

Sections	6.01	General
	6.02	Shoreline Area Designation Map
	6.03	Jurisdiction and Shoreline Area Interpretation
	6.04	Shoreline Area Designations

### **6.01 General**

1. There is hereby established as part of this Master Program a set of six (6) designations for shorelines known as Shoreline Areas. Each Shoreline Area description includes:
  - a. its definition and scope;
  - b. objective or purpose of the designation;
  - c. designation criteria utilized to assess shorelines for a particular designation; and
  - d. management policies to guide use and development within each Shoreline Area.
2. Purpose

The purpose of the Shoreline Area designations is to provide a systematic, rational, and equitable basis upon which to guide and regulate development within shoreline areas that are distinctively different in terms of natural features and resources, levels of development, and potential for degree of future development compatible with the character of the area.
3. Determination - The Shoreline area designations as they appear on the Shoreline Area Designation Map (Appendix A) are the result of review and analysis by the Skagit County Citizen and Technical Advisory Committee members after consideration of:
  - a. the physical and biological capabilities and limitations per the Shoreline Inventory data;
  - b. existing development patterns;
  - c. county comprehensive plans and other official plans;
  - d. the goals and desires of Skagit County citizens for their shorelines; and
  - e. state legislative findings, policies, and guidelines pursuant to RCW 90.58.020.

## **6.02 Shoreline Area Designation Map**

1. There is hereby made a part of this Master Program a map which shall be officially known as the Skagit County Shoreline Area Designation Map, hereinafter referred to as "the Map". Said map shall show:
  - a. All county shorelines together with their associated wetlands that are subject to the Act and this Master Program; and
  - b. The officially designated Shoreline Areas for all affected lands and waters.
2. There shall be one official Map which shall reside in the custody of the Skagit County Planning Department with one official copy filed with the County Auditor.
3. Alterations and Amendments

Inasmuch as the Map is an inseparable part of this Master Program, no part of the Map shall be altered or amended without the review and approval of the Department of Ecology pursuant to RCW 90.58.190. Procedure - Prior to DOE review, proposed amendments or changes to the Shoreline Area Designation Map shall follow the process required in WAC 173-19 and Section 9.14 of this Program.

All alterations or amendments to the Planning Department Map, once approved by the State, shall be immediately recorded with the County Auditor either by direct modification of the Auditor's official map or by submission of an additional official map reflecting the alterations or amendments.

The Planning Department shall maintain an up-to-date record of all changes to the Map. Such a record shall consist of the date of change, location and extent by section, township, range, the Shoreline Area designation changes, and a brief analysis of the reasons for the change.

The Planning Department may prepare unofficial copies of the Map for administrative purposes.

## **6.03 Jurisdiction and Shoreline Area Interpretation**

1. Shoreline jurisdiction - Where uncertainty or conflict may occur as to the exact location of the shoreline management jurisdiction boundary line, the official boundaries as established by the Department of Ecology and maintained by the Administrator shall prevail.

2. Shoreline Area Interpretation - Where uncertainty or conflict may occur as to the exact location of the Shoreline Area designation boundary line, the following rules shall apply:
  - a. Boundaries indicated as approximately following lot, tract, property or section lines shall be so construed.
  - b. Boundaries indicated as approximately following roads or railroads shall be respectively construed to follow their centerlines.
  - c. Boundaries indicated as approximately occurring at definitive changes in topography, shoreforms, vegetative cover or type, geology, soils, or cultural features shall be so construed.
  - d. If definite boundaries cannot be construed by the above process, then the Administrator shall make the official determination.

#### **6.04 Shoreline Area Designations**

Except for the Aquatic designation, the following are located landward of the ordinary high water mark (OHWM):

1. Urban Shoreline Area
  - a. Definition: The Urban Shoreline Area is a shoreline area of intensive development including, but not limited to residential, commercial, and industrial uses. Areas suitable are those presently subjected to intensive use as well as those planned to accommodate urban expansion.
  - b. Objective: The Urban Shoreline Area is intended to ensure optimum utilization of shorelines within urbanized or potentially urbanized areas, to identify areas suitable for intensive uses, both public and private, and to manage development and maintain urban shorelines for a variety of uses.
  - c. Designation Criteria: Areas to be designated as an Urban Shoreline Area should possess one or more of the following criteria:
    - (1) Areas of high intensity land use including recreation, residential, public facility, commercial, industrial development, and port activities.
    - (2) Areas officially designated for expansion of urban uses that are in conformance with the Act and this Master Program.
    - (3) Areas possessing few or no natural limitations for urban intensive areas.

- (4) Areas which can provide adequate public services, utilities, and access consistent with this program.
- (5) Areas currently zoned to permit compatible uses under applicable Skagit County ordinances.

d. Management Policies:

- (1) Because shorelines suitable for urban uses are a limited resource and may conflict with other shoreline uses, new development should locate in already developed, but underutilized areas.
- (2) Water and shoreline dependent and water oriented uses should be preferred over non-water and shoreline dependent or oriented uses.
- (3) Priority should be given to urban developments that provide for public visual and/or physical access to shorelines. Developments should be designed to enhance such access opportunities.
- (4) Those urban shorelines that are presently unsuitable for public or private access and use should meet performance standards in order to minimize adverse effects to the shoreline environment and adjacent land and water uses.
- (5) All forms of urban shoreline uses should meet performance standards in order to minimize adverse effects to the shoreline environment and adjacent land and water uses.

2. **Rural Residential Shoreline Area**

- a. Definition: The Rural Residential Shoreline Area is a shoreline area characterized by low to medium intensity land uses that exhibit small-scale alterations to the natural shoreline environment. These land uses are generally of a residential, commercial, recreational, and agricultural nature with utilities and services provided on an individual or community basis.
- b. Objective: The Rural Residential Shoreline Area is intended to provide for a transition area between the more intensive Urban Shoreline Area uses and those low intensity uses of the Rural Shoreline Area. It also intends to identify those

shoreline areas that presently exhibit the low to medium, level of uses and have the environmental capabilities to support such uses for future development.

c. Designation Criteria: Areas to be designated as a Rural Residential Shoreline Area should possess one or more of the following criteria:

- (1) Areas presently developed or platted for residential uses.
- (2) Areas zoned for residential development with lot sizes ranging from one-fourth (1/4) acre (with public sewer and water) to five (5) acres. Also included are existing extensive small, single lot shoreline developments.
- (3) Areas which could support and serve the needs of planned unit developments (PUD).
- (4) Areas which could serve as transition zones between urban and rural, conservancy, or natural shoreline areas.
- (5) Areas having the physical ability to support low to medium density residential uses and associated commercial, recreational, and public service facilities.
- (6) Areas which are appropriate for low to medium intensity recreational uses compatible with residential and/or light agricultural activities (grazing, small-scale crop, or gardens).
- (7) Areas which are capable of supporting small-scale agricultural activities such as livestock grazing, small scale crop, gardens, or woodlots.
- (8) Areas which can provide and have the capabilities to support the necessary infrastructure of public services, utilities, and access to accommodate low to medium density development. Sewage disposal and water supply facilities are provided on an individual or community basis or could possibly be provided via future regional networks of these facilities.
- (9) Areas officially designated on county comprehensive plans for future expansion of residential use in the Rural Open Space or Residential classifications.

d. Management Policies:

- (1) Residential, recreational, and agricultural activities of low to medium intensity are preferred over other more land and resource consumptive or developmental uses.
- (2) Residential and other developments in the Rural Residential Shoreline Area should be located, sited, designed, and maintained to protect and enhance the shoreline environment.
- (3) Appropriate developments, if allowed, should occur in those areas of the Rural Residential Shoreline Area that are environmentally capable of supporting the use or uses while protecting and enhancing the shoreline environment.
- (4) Public access opportunities to publicly owned shorelines and/or water bodies should be encouraged in the Rural Residential Shoreline Area.
- (5) Residential and recreational developments should utilize shoreline areas for community or public open space.
- (6) Commercial developments in the Rural Residential Shoreline Area should be limited to those uses that serve the surrounding residential, recreational, or agricultural activities and should not conflict with these activities.
- (7) Access, utilities, and public services for Rural Residential developments should be economically and physically available and adequate to serve existing and planned needs.

### **3. Rural Shoreline Area**

- a. Definition: The Rural Shoreline Area is a shoreline area typified by low overall structural density and low to moderate intensity of uses. Primary uses include activities related to agriculture, residential development, outdoor recreation, and forestry operations.
- b. Objective: The Rural Shoreline Area designation is intended to protect agricultural land from urban density expansion, regulate intensive development along undeveloped shorelines, function as a buffer area between Urban and Conservancy Shoreline Areas and maintain open spaces and opportunities for

recreational activities and a variety of uses compatible with agriculture and the shoreline environment.

c. Designation Criteria: Areas to be designated in the Rural Shoreline Area should possess one or more of the following criteria:

- (1) Areas characterized or having the capability to support active agricultural practices and/or a variety of recreational development.
- (2) Areas where residential, utility, and transportation development is at a low density and of limited extent and, at this level, is compatible with the primary uses of agriculture and recreation.
- (3) Areas which provide a buffer between other shoreline areas of greater or lesser density of uses.
- (4) Areas modified from their natural vegetative cover and, in some cases, surface drainage patterns.
- (5) Areas designated in officially adopted park and recreation plans for recreational use.
- (6) Areas having valuable sand, gravel, and mineral deposits.
- (7) Areas zoned to permit compatible uses under applicable Skagit County ordinances.

d. Management Policies:

- (1) Existing and potential prime agricultural lands should be protected from incompatible and preemptive patterns of development and should be maintained for present and future needs and uses.
- (2) Undeveloped Rural Shoreline Areas should allow only low intensity land uses and developments.
- (3) Public and private recreation facilities, structures and opportunities in agricultural areas should be compatible with agricultural activities.
- (4) New development, primarily recreation and residential, should reflect the character of the surrounding area, provide permanent shoreline open space, and be sited and designed to be compatible with the intent of the Rural Shoreline Area.

- (5) Sand, gravel, and mineral extraction should be allowed in suitable areas not designated as prime agricultural land.
- (6) Developments of an industrial or commercial nature (except farm related sales and commercial forestry) and extensive residential development should be prohibited.
- (7) Rural Shoreline Areas should be managed in such a manner so as not to preclude future agricultural uses.
- (8) The Rural designation may be converted to a Rural Residential Shoreline Area when supporting community facilities, such as public sewer, water, and power, become available and are developed in conformance with other local land use requirements and standards.

**4. Conservancy Shoreline Area**

- a. Definition: The Conservancy Shoreline Area is a shoreline area containing natural resources which can be used/managed on a multiple use basis without extensive alteration of topography or banks, and/or a shoreline area containing hazardous natural conditions or sensitive natural or cultural features which require more than normal restrictions on development and use of such areas.
- b. Objective: The Conservancy Shoreline Area is intended to ensure long term wise use, enhancement, and protection of natural resources and processes and valuable historic and cultural areas. Activities in this shoreline area should be conducted in a manner to ensure recreational benefits to the public and/or achieve sustained resource utilization without significant adverse impacts.
- c. Designation Criteria: Areas to be designated as a Conservancy Shoreline Area should possess one or more of the following criteria:
  - (1) Areas which may provide for present and future recreation needs for the county and region and where inappropriate modification or use would adversely affect such qualities.
  - (2) Areas which contain resources manageable on a sustained yield, multi-purpose basis and are more valuable to the region than through any form of more intensive or single purpose development.



- (3) Areas possessing the following biophysical limitations to development, modification or unrestricted use:
    - i. Steep slopes and slide hazard areas.
    - ii. Floodways or marine tidal surge or storm areas.
    - iii. Rivers and streams subject to frequent changes in alignment or direction.
    - iv. Unstable, erosive streambanks, bluffs, and other landforms.
    - v. Recognized accretion shoreforms.
  - (4) Areas of critical natural and cultural features requiring a low overall density of people, structures and livestock with minimal changes in topography. Such areas may include forests, pastures, outdoor recreation areas, fish and wildlife habitats, historical and archaeological sites, and shorelines prone to limitations listed above.
  - (5) Areas free of extensive development and whose existing character and features provide optimal, long term use and enjoyment by the public.
  - (6) Areas zoned to permit compatible uses under applicable Skagit County ordinances.
- d. Management Policies:
- (1) Preference should be given to those uses which do not permanently deplete or adversely impact the physical and biological resources and the existing character of the Conservancy Shoreline Area.
  - (2) Commercial and industrial uses other than commercial forestry and extraction of renewable sand, gravel and mineral resources should be prohibited.
  - (3) Development which may cause the following should be prohibited:
    - i. Conditions hazardous to public health and safety.
    - ii. Landslides, erosion, and sedimentation problems.
    - iii. Adverse effects upon wildlife, fisheries and other aquatic life.
    - iv. Significant interference with natural physical processes and shoreforms.

- (4) Construction of structural shoreline stabilization and flood control works should be minimized. New developments should be designed to preclude the need for such works and should be compatible with characteristics and limitations of the shoreline area.
- (5) Recreational access allowing for diffuse, low to medium intensity activities should be encouraged.

**5. Natural Shoreline Area**

- a. Definition: The Natural Shoreline Area is a shoreline area that has experienced little or no material encroachment and has not been materially affected by human use. Areas recognized as unique and reasonably capable of being restored to a natural condition may also qualify as well as those areas where former encroachment has been restored by natural processes.
- b. Objective: The Natural Shoreline Area designation is intended to preserve those dynamic natural features and systems in a manner relatively free of human influence and to encourage or permit those activities that best preserve the natural characteristics which make these shoreline areas unique and valuable. The designation seeks to ensure long-term preservation of these resources that yield optimum, unquantifiable benefits to the region in their natural condition.
- c. Designation Criteria: Areas to be designated as a Natural Shoreline Area should possess one or more of the following criteria:
  - (1) General
    - i. Areas where human influence and development are minimal.
    - ii. Areas recognized as unique and reasonably capable of being restored to a natural condition or that have been restored by a natural process.
    - iii. Areas having a high scenic value and a high value for low intensity recreational use.
    - iv. Unique areas not compatible for or with development, modification, extraction, or unrestricted use such as but not limited to: floodways, marshes, swamps, steeply sloping shores, erosion

and accretion shores, and major seasonal havens or migratory routes for wildlife.

- (2) Wildlife Habitats
  - i. An area utilized by rare, diminishing, or endangered species for food, water, cover, or protection.
  - ii. A major seasonal haven or migratory route for fisheries and wildlife.
  - iii. Original or unique wildlife habitats with developed areas.
- (3) Scientific and Educational Value
  - i. Areas considered to represent basic ecosystems and geologic types or derivations thereof that are of particular scientific and educational interest.
  - ii. Unique areas as described in this section (c. Designation Criteria) which are close to population centers and/or educational facilities close to population centers and/or educational facilities.
  - iii. Established natural science research areas or areas having a history of such use.
- (4) Areas may fall within any land use zones where a Natural designation would be of benefit to the community, citizens, and shoreline environment. Areas should be under public ownership or management or should be capable of such an arrangement in order to fulfill the intent of a Natural designation.

Management Policies:

- (1) Natural Shoreline Areas should remain free from development which would adversely affect the natural values and character.
- (2) Allow only changes which would not be detrimental to the forces which created and now maintain the existing environment.
- (3) Apply restrictions to the intensity and type of uses allowed in order to maintain the natural systems and resources.

- (4) Allow limited access of a compatible nature to those areas in the Natural Shoreline Area which have significant recreational value as long as it does not adversely affect the environment.
- (5) Permit limited access to natural areas for scientific, historical or educational purposes as long as there is no substantial alteration of the environment.
- (6) Prohibit uses or activities requiring permanent installations which would permanently deplete or consume the physical and biological resources found in the Natural Shoreline Area.

**6. Aquatic Shoreline Area**

- a. Definition: The Aquatic Shoreline Area is all water bodies, including marine waters, lakes, and all rivers of the state together with their underlying lands and their water column, including but not limited to bays, straits, harbor areas, waterways, coves, estuaries, lakes, streamways, tidelands, bedlands, and shorelands.
- b. Objective: The Aquatic Shoreline Area designation is intended to encourage and protect appropriate multiple uses of the water or, in some cases, single purpose, dominant uses in limited areas; to manage and protect the limited water surfaces and foreshores from inappropriate activities or encroachment; and, to preserve and wisely use the area's natural features and resources which are substantially different and diverse in character from those of the adjoining uplands and backshores.
- c. Designation Criteria: Areas to be designated as an Aquatic Shoreline Area should possess one or more of the following criteria:
  - (1) All marine water areas seaward of the ordinary high water mark including estuarine channels, sloughs, and associated wetlands.
  - (2) All lakes subject to this program below the ordinary high water mark.
  - (3) All streamways of rivers designated shorelines of the State.
  - (4) All natural swamps, marshes, and wetlands adjoining the above three categories of water bodies and all those which are not designated a Natural Shoreline Area.

d. Management Policies

- (1) Aquatic Shoreline Areas should allow for compatible, appropriate uses that do not conflict with natural and cultural processes and features of the water body and associated wetlands. Such uses should be shoreline and water dependent.
- (2) Port and water related industrial and commercial developments and any other development proposals of a consumptive land and resource nature should locate in appropriate, existing use areas and/or in officially designated areas.
- (3) During proposal review, the protection, enhancement and/or proper sustained yield utilization of the natural resources of the Aquatic Shoreline Area should be of primary consideration.
- (4) Private development proposals that appropriate publicly owned shorelines and water bodies should be prohibited.
- (5) Diverse public access opportunities to public water bodies should be encouraged and developed and should be compatible with the existing shorelines and water body uses and environment.
- (6) Deep draft uses, if allowed, should occur in areas not requiring extensive initial and maintenance dredging.
- (7) Priority should be given to those activities which create the least environmental impact to this shoreline area.
- (8) With exceptions for boat launching areas, motorized vehicular travel should be prohibited on all tideland areas.
- (9) Abandoned and neglected structures in the Aquatic Shoreline Area which cause adverse visual impacts and are a hazard to public safety and welfare should be removed or restored to a usable condition.
- (10) Material from the bedlands and bottoms of the Aquatic Shoreline Area should not be used for landfill or to backfill shore defense works.