

CHAPTER 1 INTRODUCTION

A. PURPOSE AND INTENT

1. The purposes of this Shoreline Master Program are:
 - a. To guide the future development of shorelines in the City of Puyallup in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).
 - b. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Puyallup's shorelines; and
 - c. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto..."

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

B. GOVERNING PRINCIPLES OF THE SHORELINE MASTER PROGRAM GUIDELINES

1. The following Governing Principles, along with the policy statements of RCW 90.58.020, Legislative Findings, establish the basic concepts upon which the goals, policies and regulations of this Program are based.
 - a. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
 - b. The policies of this Program may be achieved by diverse means, one of which is regulation. Other means, authorized by the Act, include but are not limited to: acquisition of lands and/or easements by purchase, or gift; and implementation of capital facility and/or non-structural programs.
 - c. Regulation of private property to implement Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to civil rights guaranteed by the U.S. and State constitutions, recent federal and state case law, and state statutes, such as RCW 43.21C.060, Conditioning or Denial of Governmental Action and 82.02, General Provisions on excise taxes.
 - d. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
 - e. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
 - f. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the Puyallup Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.3281, Significant Legislative Rules.
 - g. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecology from such impairments in the following ways:
 - i. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 - ii. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs. By including policies and regulations to

address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.

- iii. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified.
- h. In light of other relevant local, state, and federal regulatory and non-regulatory programs, Puyallup should balance the policy goals of this Program to the extent consistent with the policies of the Act, per RCW 90.58.020, Legislative Findings, and these Governing Principles.

C. TITLE OF THIS DOCUMENT

1. This document shall be known and may be cited as the **Puyallup Shoreline Master Program** ("this Master Program", "SMP" or "the Master Program").

D. ADOPTION AUTHORITY

1. This Master Program is adopted under the authority granted by the Act and Chapter 173-26 of the Washington Administrative Code (WAC).

E. RELATIONSHIP TO OTHER PLANS AND REGULATIONS

1. The Puyallup Shoreline Master Program is a planning document that outlines the goals and policies for the use, development, protection and restoration of the major shorelines of the city (Puyallup River, Clarks Creek). It is also a regulatory ordinance with regulations for development intended to implement the goals and policies.
2. In order to preserve and enhance the shorelines of the City of Puyallup, it is important that all development proposals and modifications occurring in shoreline jurisdiction be evaluated in terms of the Shoreline Master Program, and that the Shoreline Administrator be consulted. The Shoreline Master Program provides the regulatory parameters within which development may occur, or it states that the community considers a certain type of use, development, or activity is unacceptable within the City's shoreline jurisdiction, or it states that a use or activity may be considered (if a conditional review is applied for), but that the community should be able to ensure that the development is carried out in such a way that the public's interest in protecting the shoreline is retained.
3. Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the Puyallup Comprehensive Plan, the Washington State Environmental Policy Act ("SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), other provisions of the Puyallup Municipal Code, including Title 20 Zoning and Title 19 Environment, and various other provisions of local, state and federal law, as may be amended.
4. This Shoreline Master Program adopts by reference, subject to the exceptions listed in

Chapter 5 C 3.xi, the following City regulations contained in the Puyallup Municipal Code (PMC) Chapters 21.06 and 21.07:

- a. PMC 21.06, Critical Areas (CAO), as adopted concurrently with this master program's final adoption (December 2, 2015).
 - b. PMC 21.07, Flood Damage Protection Ordinance (as last amended by Ord. 3031), as in force on the date of this master program's final adoption (March 8, 2013).
 - c. Incorporation of any subsequent amendments to the CAO will require an amendment to the master program and approval by the Department of Ecology pursuant to WAC 173-26-191(2)(b).
5. Project proponents shall comply with all applicable laws prior to commencing any use, development or activity.
 6. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

F. APPLICABILITY

1. All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Program. The Shoreline Management Act's provisions are intended to provide for the management of all development and uses within shoreline jurisdiction, whether or not a shoreline permit is required because many activities that may not require a substantial development permit, such as clearing vegetation or construction of a residential bulkhead, can, individually or cumulatively, adversely impact adjacent properties and natural resources.
2. This Master Program shall apply to all of the lands and waters in the City of Puyallup that fall under the jurisdiction of the Act. This generally includes portions of Clarks Creek below Maplewood Springs within the City of Puyallup; and all of the Puyallup River within the City of Puyallup.
3. This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
4. Federal agency actions on shorelines of the state are required to be consistent with this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC, Applicability of chapter 90.58 RCW [Shoreline Management Act] to federal lands and agencies).
5. The permit requirements established under this Master Program apply to non-federal activities undertaken on lands subject to non-federal ownership, lease, or easement, even though such lands may fall within the external boundaries of federally owned lands (e.g., private in-holdings in the National Forest).

6. The permit requirements established under this Master Program apply to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.
7. Any conflicts between the referenced ordinances and the SMP are resolved in favor of the regulation that is most protective of the shoreline ecological functions.

G. SHORELINE JURISDICTION

1. The SMA applies to all rivers and streams and their associated wetlands downstream from a point where the mean annual flow is 20 cubic feet per second or greater. In the City of Puyallup, this includes the Puyallup River and Clark's Creek (downstream of Maplewood Springs). The SMA also applies to adjacent "shorelands" located 200 feet from the ordinary high water mark (measured on a horizontal plane).

H. LIBERAL CONSTRUCTION

1. As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

I. SEVERABILITY

1. If any provision of this Master Program, or its application to any person or circumstance is held invalid, the remainder of the Master Program, or the application of the provision to other persons or circumstances, shall not be affected.