

CHAPTER 6 SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

A. DESIGNATION OF SHORELINES OF STATEWIDE SIGNIFICANCE

In accordance with the criteria of RCW 90.58.030(2)(e), Definitions and Concepts, the legislature designated specific shorelines of the state, including the shorelands and associated wetlands as therein defined, as having statewide significance. This includes all portions of the Puyallup River and associated shorelands within the City of Puyallup. Clarks Creek does not meet the criteria of RCW 90.58.030(2)(e) for designation as a shoreline of statewide significance.

B. ADOPTION OF POLICY

In accordance with RCW 90.58.020, Legislative Findings, the following management and administrative policies are hereby adopted for shorelines of statewide significance in Puyallup as defined in RCW 90.58.030(2)(e), Definitions and Concepts and identified in WAC 173-18-310, Pierce County. Consistent with the policy contained in RCW 90.58.020, preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long term over short term benefit.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public in the shoreline.
7. Provide for any other element as defined in RCW 90.58.100, Programs as Constituting Use Regulations, deemed appropriate or necessary.

Uses that are not consistent with these policies should not be permitted on shorelines of statewide significance.

C. POLICIES FOR SHORELINES OF STATEWIDE SIGNIFICANCE

The statewide interest should be recognized and protected over the local interest in shorelines of statewide significance. The Act states that local master programs addressing shorelines of statewide significance shall provide “the optimum implementation of the policy of this chapter to satisfy the statewide interest” (RCW 90.58.090(5), Approval of Master Program or Segments or Amendments). To ensure that statewide interests are protected over local interests, the City shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020, Legislative findings, and the following policies:

1. Consult with and consider recommendations from applicable state agencies, affected tribes, and statewide interest groups for specific development proposals and proposed amendments to the Master Program that have the potential to affect statewide or regional resources, such as anadromous fisheries.
2. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.
3. The range of options for shoreline use and public access should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternative sites are available.
4. Potential short term economic gains or convenience should be measured against potential long term impairment of natural shoreline ecological functions.
5. Protection or enhancement of aesthetic values should be actively promoted in design review of new or expanding development.
6. Public and private developments should be encouraged to provide trails, viewpoints, water access points and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.

D. SHORELINE JURISDICTION

The provisions of this Program shall apply to all shorelines of the state and shorelines of statewide significance in the city of Puyallup, including all shorelands as defined in Chapter 2 and herein referred to as “shorelines.” This includes the Puyallup River and Clarks Creek downstream of Maplewood Springs in the city of Puyallup. The location and extent of such shorelines are based on the following criteria and are shown on the Official Shoreline Map appended to this document (Figure 6-1):

1. 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.
2. Shorelands and associated uplands extending 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with their streams, lakes, and tidal waters subject to the provisions of the Shoreline Management Act (Chapter 90.58 RCW).

E. OFFICIAL SHORELINE MAP

1. **Shoreline Environment Designations.** A set of designations for shorelines called Shoreline Environments have been developed as a part of this Program and are delineated on a map, hereby incorporated as a part of this Program (Figure 6-1) that shall be known as the Official Shoreline Map. The purpose of the Environment Designations is to provide a systematic, rational, and equitable basis upon which to guide and regulate development within specific shoreline areas. These designations apply to areas of the shoreline that have similar ecological conditions and similar land

uses or potential development patterns. Shoreline Environment Designations have been determined after consideration of:

- a. The ecological functions and processes that characterize the shoreline, together with the degree of human alteration as determined by the 2007 Shoreline Inventory and Characterization Report and any subsequent investigations or analyses as may be required by this program;
- b. The City's goal of having coordinated planning for open space, public access and other aspects of shoreline management, and
- c. Existing development patterns together with the Puyallup Comprehensive Plan designations and other officially adopted plans; and
- d. The requirements outlined in WAC 173-26-211, Environment Designation System.

The City may, from time to time as new or improved information becomes available, modify the Official Shoreline Map consistent with state guidelines to more accurately represent, clarify, or interpret the true limits of the shorelines defined herein.

Areas found to be within shoreline jurisdiction that are not mapped and/or designated are automatically assigned the "Urban Conservancy" designation until re-designated through a master program amendment process.

2. **Shoreline Jurisdictional Limits.** The purpose of the Official Shoreline Map is to identify shoreline environment designations. The Official Shoreline Map does not necessarily identify or depict the lateral extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction shall be determined on a case by case basis based on the location of the Ordinary High Water Mark, floodway, and the presence of associated wetlands. If disagreement develops as to the exact location of a Shoreline Environment Designation boundary line, the Administrator shall interpret the boundaries and the following rules shall apply:
 - a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
 - b. Boundaries indicated as approximately following roads, railways, or waterbodies shall be construed to follow their centerlines.
 - c. Boundaries indicated as approximately parallel to or extensions of features indicated in (a) or (b) above shall be so construed.
 - d. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Administrator shall interpret the boundaries.
3. **Confluence of Clarks Creek and Puyallup River.** For the purposes of determining the applicable shoreline environment at the confluence of Clarks Creek and Puyallup River, it is hereby established that the Puyallup River Urban Conservancy shall apply to all shoreline areas within 200' of the OHWM of the Puyallup River at this point of intersection and overlap.

4. **Environmental designations in areas waterward of OHWM.** This Master Program does not include Aquatic environmental designations for areas waterward of the OHWM. The landward environmental designation therefore extends into areas waterward of the OHWM. In the event that the environmental designations on opposite landward areas are differing, the environmental designations shall apply to the mid-way point of the stream at the time of OHWM determination by the applicant (ex. The applicant shall determine the OHWM on each side of the stream body, measure the waterward width between those opposing OHWM locations and split the environment designation at the centerline of the stream).

F. PUYALLUP RIVER URBAN CONSERVANCY

1. Purpose. The purpose of the Puyallup River Urban Conservancy designation is to protect and restore ecological functions of open space, flood plain and other sensitive lands along the Puyallup River where they exist in urban and developed settings. This designation should allow a variety of compatible urban uses, including appropriate flood hazard prevention measures, public access and recreational uses.
2. Designation Criteria. Assign the Puyallup River Urban Conservancy designation to shoreline areas of the Puyallup River having both designated critical areas and existing or planned urban development that is compatible with maintaining or restoring ecological functions. This designation should be applied to shoreline areas in city limits or in designated urban growth areas if any of the following characteristics apply:
 - a. They are not generally suitable for high-intensity water-dependent uses, but are suitable for water-related or water-enjoyment uses;
 - b. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
 - c. They have potential for ecological restoration;
 - d. They retain important ecological functions, even though partially developed; or
 - e. They have the potential for development that is compatible with ecological restoration.
3. Shorelines Designated. Based on the criteria above, the Puyallup River shoreline is designated Puyallup River Urban Conservancy, as shown on the Official Shoreline Map and described herein:
 - a. All Puyallup River shorelines (both banks) in the city of Puyallup; and,
 - b. All Puyallup River shorelines (both banks) in designated Urban Growth Areas (UGA) of the city shall be designated Puyallup River Urban Conservancy at the time of annexation.

4. Management Policies. In addition to the other applicable policies and regulations of this Program the following management policies shall apply:
 - a. Manage designated critical areas along the Puyallup River shoreline, including fish and wildlife habitat areas, wetlands, and frequently flooded areas to protect or restore ecological functions provided by such areas.
 - b. Utilize buffers, setbacks, water quality measures, and vegetation conservation or enhancement measures to regulate and inform the design of proposed development along the Puyallup River shoreline.
 - c. Allow a variety of urban uses as established by the Comprehensive Plan and zoning code, where the development of such uses is done in a manner that protects or enhances ecological functions and/or public access.
 - d. Prioritize uses and development that are water-oriented or incorporate public access, recreation, or shoreline restoration elements.
 - e. Work cooperatively with Pierce County, neighboring cities, tribes, and state natural resource agencies in development of flood control and/or habitat restoration along the Puyallup River.
5. Allowed Uses. The following uses and development may be permitted subject to the applicable policies, regulations, and permitting procedures of this Program and the underlying zoning code requirements:
 - a. Agriculture (Allowed only where permitted by the underlying zoning designation of “agriculture, recreation and open space” (ARO)).
 - a. Non-motorized boating facilities and docks* (*see “Boating facilities and Docks”, 7-7 for conditionally permitted boating facilities and docks)
 - b. Commercial and industrial development
 - c. Flood control works
 - d. In-stream structures
 - e. Parking facilities when associated with an allowed use
 - f. Recreational development
 - g. Residential development* (*Allowed only when the use is permitted by the underlying land use and zoning designation
 - h. Restoration actions
 - i. Shoreline stabilization when associated with an allowed use
 - j. Signs
 - k. Transportation facilities
 - l. Utility development
 - n. Filling, Grading and Excavation

- o. Aquatic weed management
- 6. Conditional Uses. The following uses and development may be permitted as conditional uses subject to the applicable policies, regulations, and permitting procedures of this Program and the underlying zoning code requirements:
 - a. Freshwater aquaculture facilities (hatcheries or hatchery related facilities)
 - b. Boating facilities and docks* (*see “Boating facilities and Docks”, 7-7 for conditionally permitted boating facilities and docks)
 - c. Dredging and dredge material disposal
 - d. Unclassified uses
- 7. Prohibited Uses. The following uses and developments are prohibited:
 - a. Motorized boating
 - b. Forest practices
 - c. Mining
 - d. Parking facilities as a primary use

G. CLARKS CREEK URBAN CONSERVANCY

- 1. Purpose. The purpose of the Clarks Creek Urban Conservancy designation is to protect and restore ecological functions of open space, flood plain and other sensitive lands along Clarks Creek where they exist in urban and developed settings. This designation should allow a variety of compatible urban uses, including residential, public access, and recreational uses and appropriate flood hazard prevention measures.
- 2. Designation Criteria. Assign the Clarks Creek Urban Conservancy designation to shoreline areas of Clarks Creek having both designated critical areas and existing or planned urban development that is compatible with maintaining or restoring ecological functions. This designation should be applied to shoreline areas in city limits or in designated urban growth areas if any of the following characteristics apply:
 - a. They are not generally suitable for high-intensity water-dependent uses, but are suitable for water-related or water-enjoyment uses;
 - b. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
 - c. They have potential for ecological restoration;
 - d. They retain important ecological functions, even though partially developed; or
 - e. They have the potential for development that is compatible with ecological restoration.

3. Shorelines Designated. Portions of Clarks Creek are designated Clarks Creek Urban Conservancy, as shown on the Official Shoreline Map and described herein:
 - a. The left bank (facing downstream) from 12th Avenue SW downstream to the confluence with the Puyallup River; and
 - b. The right bank (facing downstream) from 15th Avenue SW downstream to the confluence with the Puyallup River.
 - c. For the purposes of determining the applicable shoreline environment at the confluence of Clarks Creek and Puyallup River, it is hereby established that the Puyallup River Urban Conservancy shall apply to all shoreline areas within 200' of the OHWM of the Puyallup River at this point of intersection and overlap.
4. Management Policies. The following management policies shall apply in addition to the other applicable policies and regulations of this Program:
 - a. Manage designated critical areas along the Clarks Creek shoreline, including fish and wildlife habitat areas, wetlands, and frequently flooded areas to protect or restore ecological functions provided by such areas.
 - b. Utilize buffers, setbacks, water quality measures, and vegetation conservation or enhancement measures to regulate and inform the design of proposed development along the Clarks Creek shoreline.
 - c. Allow a variety of low intensity urban uses as established by the Comprehensive Plan and zoning code, such as residential, recreational, and public facility uses, where the development of such uses is done in a manner that protects or enhances ecological functions and/or public access.
 - d. Prioritize uses and development that are water-oriented or incorporate public access, recreation, or shoreline restoration elements.
 - e. Evaluate development proposals on Clarks Creek for their potential to affect downstream properties by increasing flood hazards or degrading water quality.
 - f. Work cooperatively with Pierce County, tribes, and state natural resource agencies in development of habitat restoration along Clarks Creek.
5. Allowed Uses. The following uses and development may be permitted subject to the applicable policies, regulations, and permitting procedures of this Program and the underlying zoning code requirements:
 - a. Aquaculture facilities (hatcheries or hatchery related facilities, including in-stream structures)
 - b. Non-motorized boating facilities and docks* (*see "Boating facilities and Docks", 7-7 for conditionally permitted boating facilities and docks)
 - c. Flood control works

- d. In-stream structures when associated with a watershed restoration project or a water dependent use, including but not limited to fish hatcheries and public drinking water supply facilities
 - e. Parking facilities when associated with an allowed use
 - f. Recreational development
 - g. Residential development
 - h. Restoration actions
 - i. Shoreline stabilization
 - j. Signs
 - k. Transportation facilities
 - l. Utility development
 - n. Filling, Grading and Excavation
 - o. Aquatic weed management
6. Conditional Uses. The following uses and development may be permitted as conditional uses subject to the applicable policies, regulations, and permitting procedures of this Program and the underlying zoning code requirements:
- a. Dredging and dredge material disposal
 - b. Boating facilities and docks* (*see “Boating facilities and Docks”, 7-7 for conditionally permitted boating facilities and docks)
7. Prohibited Uses. The following uses and developments are prohibited:
- a. Boating, motorized
 - b. Forest practices
 - c. Mining
 - d. Parking facilities as a primary use
 - e. Commercial and industrial development

H. NATURAL

1. Purpose. The purpose of the Natural designation is to protect those shoreline areas that are relatively free of human influence and/ or that include intact or minimally degraded shoreline functions and processes. Structural development in the Natural Environment is strictly limited and in some cases prohibited outright.
2. Designation Criteria. Assign a Natural designation to shoreline areas if any of the following characteristics apply:
 - a. The shoreline is ecologically intact and therefore currently performing an important or irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - b. The shoreline whether disturbed or intact represents a type of ecosystem or geologic feature that is of particular scientific and/or educational interest;
 - c. The shoreline contains largely undisturbed wetlands;
 - d. The shoreline is unable to support new uses or development without significant adverse impacts to ecological functions or processes;
 - e. The shoreline has the potential to return to near natural conditions with minimal or restoration activity;
 - f. The shoreline possesses serious development limitations or human health and safety risks due to the presence of environmental hazards related to flooding, channel migration, erosion or landslides and similar occurrences.
3. Shorelines Designated. Portions of Clarks Creek are designated Natural, as shown on the Official Shoreline Map and described herein:
 - a. The left bank (facing downstream) from the upper limits of shoreline jurisdiction near Maplewood Springs downstream to 12th Avenue SW; and
 - b. The right bank (facing downstream) from the upper limits of shoreline jurisdiction near Maplewood Springs downstream to 15th Avenue SW.
 - c. The Natural designation on Clarks Creek begins at the Maplewood Springs facility.
4. Management Policies. The following management policies shall apply in addition to the other applicable policies and regulations of this Program:
 - a. Manage designated critical areas along the Clarks Creek shoreline, including fish and wildlife habitat areas, wetlands, and frequently flooded areas to protect or restore ecological functions provided by such areas.
 - b. Restrict the intensities and types of uses to protect the integrity of the shoreline environment so that valuable ecological functions are preserved and natural features or resources are allowed to change and evolve through natural processes.

- c. Allow low-intensity water-oriented recreational, public access, or educational/research uses provided they do not require significant vegetation removal or otherwise cause significant ecological impacts.
 - d. Prohibit subdivision of land or adjustment of lot boundaries except when needed to create public access to the shoreline where such access would not require extensive vegetation removal, shoreline modification, or other ecological impacts.
 - e. Prohibit roads and/or parking areas that can be located outside the shoreline jurisdiction.
 - f. Limit utility development to that necessary for maintenance of public drinking water supply wells and associated facilities.
5. Allowed Uses. The following uses and development may be permitted subject to the applicable policies, regulations, and permitting procedures of this Program and the underlying zoning code requirements:
- a. In-stream structures when associated with a watershed restoration project or a water dependent use, including but not limited to fish hatcheries and public drinking water supply facilities.
 - b. Low intensity recreational development in support of public access or scientific, educational or cultural uses, provided no significant ecological impact will result. Signs associated with such uses are allowed.
 - c. Restoration actions
 - d. Shoreline stabilization (soft shore only)
 - e. Utility development
6. Conditional Uses. The following uses and development may be permitted as conditional uses subject to the applicable policies, regulations, and permitting procedures of this Program and the underlying zoning code requirements:
- a. Freshwater aquaculture facilities (hatcheries or hatchery related facilities, including in-stream structures)
 - b. Flood control works
 - c. Dredging (no disposal of dredging spoils in Natural Environment)
 - d. Aquatic weed management
7. Prohibited Uses. The following uses and developments are prohibited:
- a. Agriculture
 - b. Boating facilities and docks
 - c. Commercial and industrial development
 - d. Dredge material disposal (stand-alone)
 - d. Forest practices

- e. Mining
- f. Parking facilities, primary and accessory
- g. Piers and docks
- h. Residential development
- i. Transportation facilities and parking
- j. Filling, Grading and Excavation

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Figure 6-1 – Shoreline Environment Map

