

Reader Overview

Origins of Shoreline Management in Washington State

The Shoreline Management Act (SMA) was proposed by the legislature in response to a citizen's initiative, and ratified by Washington voters in 1972. The SMA was intended to protect and restore the valuable natural resources that the state's shorelines represent. In addition, the SMA was developed to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location, or which will offer opportunities for the public to enjoy the state shorelines.

The SMA applies to approximately 230 cities and counties that have "shorelines of the state" within their jurisdictional boundaries. In addition, shorelines exceeding a certain size are designated as shorelines of "statewide significance." Both the Puyallup and the White (Stuck) Rivers in Sumner are designated as shorelines of statewide significance.

Basic Provisions of the SMA

There are three basic policy areas to the Shoreline Management Act: shoreline use, environmental protection; and public trust. The SMA emphasizes accommodation of reasonable and appropriate uses, protection of shoreline environmental resources and protection of the public's right to access and use the shorelines.

Shoreline Use: The SMA establishes the concept of "preferred uses" of shoreline areas. Preferred uses are those that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent on the use of the shorelines. Preferred uses on shorelines of statewide significance are defined in particular order of priority, as discussed in Chapters 1 and 3.

Environmental Protection: The SMA is intended to protect shoreline natural resources, including "the land and its vegetation and wildlife, and the waters of the state and their aquatic life" against adverse impacts. All permitted uses are required to mitigate adverse environmental impacts to preserve and protect the natural character and aesthetics of the shoreline.

Public Trust: The SMA also implements the Public Trust Doctrine which states that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses, and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelines to protect the public's right to use waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access

the tidelands. It does, however, protect public use of navigable water bodies below the ordinary high water mark.

The Shoreline Master Program

Local governments are required to prepare a detailed shoreline inventory and a program for managing shoreline development. This Shoreline Master Program (SMP) is the product of that effort in Sumner. The development of the City's SMP, and the specific goals, policies, and regulations of that Master Program are contained in the following sections.

Who is Affected by the Shoreline Master Program? The SMP regulates "development" in the "shoreline jurisdiction." Briefly stated, the "shoreline jurisdiction" is the area extending two hundred (200) feet landward from the edge of the Puyallup and White (Stuck) Rivers. "Development" is defined broadly and includes not only those activities that most people recognize as "development" (for example, improving a road surface, building a structure), but also those activities that citizens may do around their own home (for example, grading an area of riverfront to enhance their personal view of the river).

Not all development along the shoreline must have a permit, however, **ALL** development must comply with the policies and regulations established by the state Shoreline Management Act as expressed in the Sumner SMP. **Any person within two hundred (200) feet of the river considering some type of "development," should consult the City of Sumner Community Development Department** to determine: 1) if the property is indeed within the shoreline jurisdiction; 2) if the Shoreline Master Program applies to the development or use proposed; 3) if a shoreline Substantial Development Permit, Conditional Use, Variance, reasonable use exception, or other permit is needed; and 4) how to work with the City to submit and process a permit request.

Are there Compensation and Property Tax Relief Opportunities for Properties Affected by the Shoreline Master Program? Property owners whose land is regulated by the Shoreline Master Program may wish to investigate whether or not they are eligible for a reduction in their property taxes. Several tax-relief programs are available through Pierce County, including the Open Space-Public Benefit Rating System (PBRSS) program. The program, authorized by RCW 84.34 and adopted by Pierce County, is based on the Current Use Open Space Taxation Act. That Act states that it is in the best interest of the State to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens. Upon removal of classification, an additional tax, interest, and penalty shall be due.

The Current Use - Open Space Taxation Act provides for three classifications:

- Open Space Land - Land retained in its natural state. Land that would enhance, protect, or preserve natural areas, for example, parks, sanctuaries, historic sites, scenic resources, streams, beaches.
- Farm and Agricultural Land - Land primarily devoted to the production of livestock or agricultural commodities for commercial purposes.
- Timber Land - Land in any contiguous ownership of five acres or more, which is primarily devoted to the growth and harvest of forest crops.

The program ranks various open space features and the ecological value of the resources present and uses a formula to determine the property tax reduction for which the owner may be eligible.

Additional information on Pierce County's tax programs is available on the County's website at www.piercecountywa.org/atr or by calling the Pierce County Assessor-Treasurer at (253) 798-7137. Applications for the Open Space-Public Benefit Rating System-Tax Program are available online or by contacting the Pierce County Planning and Land Services at (253)798-2783. Other tax exemption and deferral programs available include *Destroyed Property, Non-Profit Exemptions, Property Tax Deferrals, Senior Citizen & Disabled Persons Exemptions, and Three Year Property Tax Exemptions.*

Developers seeking to develop land encumbered by critical areas are encouraged to consider use of the City's clustering provisions (SMC 16.40.140) which allow for slightly increased densities if the development can be clustered on the site, thereby offering greater protection for the critical areas present.

What Agencies Participate in Review of Development Along the Shoreline?

There are many local, state, and federal agencies that play a role in the management of the City of Sumner's shorelines. Various local plans and regulations affect development in the shoreline area, including the City's comprehensive plan, the zoning code, the subdivision code, critical area regulations, storm water regulations, and so forth. The SMP is also a partner with state agencies mandated with the responsibility to protect state resources such as the state Departments of Ecology, Natural Resources, and Fish and Wildlife. In addition, the City is also subject to federal regulations such as those pertaining to agriculture, emergency management, and the maintenance and protection of navigable waterways. The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service both have an interest in protection of fish species in local waterways from the federal perspective. Most recently, the City is sensitive to the need to ensure compliance, to the highest degree possible, with requirements of the Endangered Species Act (ESA) as a result of the listing of several salmonid species known to inhabit Sumner's rivers.

The Relationship between the Sumner Trails Plan and the Shoreline Master Program. One of the local plans affecting the Sumner shoreline is the Sumner/Pacific Master Trail Plan. That plan identified the optimum location for a public trail system through the region and identified a route that generally lies on both sides of the White (Stuck) River and portions of the Puyallup River. That plan was adopted, following an extensive public involvement process in 1996, and several

links of the planned trail have been constructed as development has occurred in the valley.

The trail system is an integral and essential part of the public access component of the Master Program. The Shoreline Management Act emphasizes that the public retains physical or visual access to the State's shorelines. It is a goal of this Master Program to foster the development of a shoreline trail by providing policies and regulations that are both sensitive to need of adjacent private property owners to retain the use and privacy of their property, and sensitive to the public's interest in the opportunity to develop a shoreline trail. There are three methods by which land can be acquired and a trail placed along private property:

1. A trail easement or right-of-way dedication is required as a condition of approval of a shoreline permit or other development permit;
2. The City purchases an easement or right-of-way or, in some cases, the entire parcel of land from the property owner; or
3. The property is voluntarily donated to the City by the property owner.

Organization of this Shoreline Master Program

This Master Program is divided into the following sections:

Reader Overview provides: a broad introduction to the Shoreline Management Act; a discussion of the purpose of the Sumner Shoreline Master Program; a brief overview the way in which the Sumner Shoreline Master Program applies – and doesn't apply – to the average citizen in Sumner; and a description of the Master Program's layout.

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in Sumner; the principles associated with Shorelines of Statewide Significance, such as the Puyallup and White (Stuck) River in Sumner; and a general discussion of when and how a Shoreline Master Program is used.

Chapter 2: Inventory provides a brief discussion of the baseline shoreline conditions, and identifies areas of the shoreline that offer opportunities for habitat restoration. This full inventory is provided in *Appendix A*.

Chapter 3: Shorelines of Statewide Significance describes the principles that guide development on the Puyallup and White (Stuck) Rivers in Sumner. The City's support for floodplain management riparian management; fish and wildlife habitat protection; and the provision of public access and recreation through the goals and policies of the Master Program for these shorelines of statewide significance is also presented.

Chapter 4: Shoreline Environments describes the natural and built environment along the City of Sumner shoreline and identifies management policies for this environment.

Chapter 5: Goals for the Sumner Shoreline Master Program lists the general goals which guide the policies and regulations found in the Sumner Shoreline Master Program.

Chapter 6: General Shoreline Policies and Use Regulations provides the policies and regulations that apply in all shoreline environments of the shoreline jurisdiction.

Chapter 7: Specific Shoreline Development Policies and Regulations provides the policies and regulations that apply for specific uses and activities typically found in shoreline areas, and for activities that modify the physical configuration or qualities of the shoreline area.

Chapter 8: Administration provides the system by which the Sumner Shoreline Master Program will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, Conditional Use permits, and Variances.

Definitions provides definitions for terms found in this document, and also includes a list of acronyms found in the document.

Appendix A: Shoreline Inventory provides the detailed analysis of the baseline shoreline conditions. This analysis, based on the criteria identified for compliance with the then-adopted “Path B” option of the November 2000 state shoreline guidelines, evaluates the natural and manmade shoreline conditions to determine how well the shoreline provides “properly functioning conditions” for species listed under the Endangered Species Act, as well as for other habitat concerns. The inventory provides a wealth of information about the shoreline, including identification of areas that provide opportunities for restoration.

Appendix B: Wetlands Regulations per Sumner Municipal Code (SMC) 16.46. These wetlands regulations are adopted by reference into the Shoreline Master Program. In the event that the Wetlands Regulations in SMC 16.46 are amended, then Appendix B will continue to be used for shoreline permits only until such time as the Shoreline Master Program is updated and the revised wetlands regulations are adopted by reference.