

CITY OF PULLMAN

Shoreline Master Program Update Executive Summary

July 2015

INTRODUCTION

Washington's Shoreline Management Act (SMA; RCW 90.58) was passed by the State Legislature in 1971 and adopted by the public in a referendum. The SMA was created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values. The three broad policies of the SMA are to encourage water-dependent and water-oriented uses, promote public access, and protect shoreline natural resources.

PULLMAN SHORELINE MASTER PROGRAM (SMP)

The intent of the City of Pullman Shoreline Master Program update is to ensure comprehensive planning for the City's shoreline (South Fork of the Palouse River) within the current City limits and the urban growth area, and to ensure the adoption and implementation of desired goals and use regulations, together with maps, diagrams, charts, and other descriptive material and text, all developed in accordance with SMA policies.

Pullman, working as part of a coalition with Whitman County and other communities in the county, began the update process in early 2014 with a preliminary assessment of shoreline jurisdiction, and a shoreline inventory, analysis and characterization. As development of the draft SMP was under way, an open house was held on November 6, 2014. The Pullman Planning Commission then reviewed the Program at a public meeting on March 25, 2015. The adoption process includes a hearing by the Planning Commission in July 2015, followed by review and action by the City Council. These are all opportunities for public input.

SMP SECTIONS

The SMP establishes long-term planning goals and policies, specific development standards and use regulations, and permitting and administrative procedures. As such, the SMP is linked to other City planning documents such as the City of Pullman Comprehensive Plan and the Pullman City Code (PCC). The organization of the SMP and the purpose for each chapter is explained below.

- **16.55.100. Introduction:** Provides background, purpose and legal authority.
- **16.55.200. Definitions:** Provides definitions for terms used throughout the SMP.
- **16.55.300. Administration and Permitting:** Provides procedures and process for permit applications associated with shoreline development.
- **16.55.400. Shoreline Vision and Goals:** Provides the SMP vision statement and enacting goals.
- **16.55.500. Shoreline Jurisdiction and Environment Designations:** Establishes the shoreline jurisdiction and includes the purpose, designation criteria and management policies for specific areas within the shoreline jurisdiction.
- **16.55.600. General Policies and Regulations:** Provides general policies and regulations that apply broadly to uses and developments in all shoreline areas.
- **16.55.700. Shoreline Critical Area Policies and Regulations:** Contains policies and regulations for developments and uses that occur in shoreline critical areas.
- **16.55.800. Shoreline Use Policies and Regulations:** Establishes policies and regulations for specific uses in shoreline jurisdiction.
- **16.55.900. Shoreline Modification Policies and Regulations:** Establishes policies and regulations for shoreline modification activities and structures.

Administration and Permitting

SMP Administrator

Under the draft regulations, the planning director would serve as the SMP Administrator. The SMP Administrator is responsible for reviewing and acting upon requests for Shoreline Substantial Development Permits. The SMP Administrator also makes recommendations to the City's Board of Adjustment regarding Shoreline Variances and Shoreline Conditional Use Permits. Appeals of administrative decisions by the SMP Administrator are reviewed by the City's hearing examiner.

Permits and Shoreline Activity Tracking

Applications for shoreline activities are classified under the following categories: Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, and Shoreline Exemption. The City is required to track all shoreline permits and exemptions to evaluate whether the SMP is achieving no net loss of shoreline ecological functions.

Non-conforming Uses, Structures, Lots

Lots, structures, and uses that were legally established prior to adoption of the SMP update or that were in compliance with the SMP update at the time of initial establishment but, due to revision or amendment of the SMP, have become noncompliant, are nonconforming uses that may continue without regard to ownership changes, so long as they are in compliance with the Program. A use of

property that is unlawful under other local, state, or federal laws shall not be deemed a nonconforming use.

Shoreline Vision and Goals

A vision and set of goals guide the SMP. Pullman’s SMP supports shoreline uses that are consistent with the existing and historic pattern of development in the City of Pullman, maintain and enhance the local economy, and expand visual and physical public access to the shoreline. The SMP promotes the best use of the City’s shoreline through encouraging shoreline development and modifications that are placed wisely, consistent with the physical limitations of the area; serving the needs and desires of the local citizens; and protecting the functions and values of the shorelines.

Additionally, the Program assures a distribution and pattern of land use along the shoreline that balances protection of the existing character of the City as well as the shoreline environments, habitat, and ecological systems.

Goals for the following categories are identified in the SMP:

- Shoreline Use
- Economic Development
- Public Access
- Recreation
- Conservation
- Transportation and Circulation
- Restoration
- Archaeological, Historical, and Cultural Resources
- Flood Hazard Management

Shoreline Jurisdiction and Environment Designations

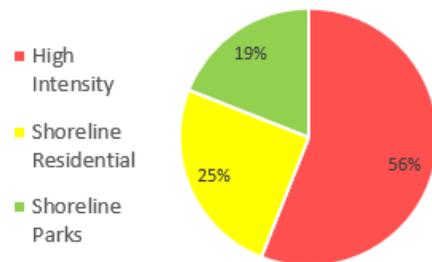
There are four Environment Designations in Pullman’s SMP draft, which is a change from the existing SMP’s two designations. The four proposed designations are Shoreline Residential, Shoreline Parks, High Intensity, and Aquatic.

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the State plus their associated “shorelands.” The waterbodies designated as Shorelines of the State are streams whose mean annual flow is

20 cubic feet per second or greater and lakes whose area is greater than 20 acres. The South Fork of the Palouse River is the only waterbody in the City that meets the minimum shoreline criteria.

Shorelands, as adopted by the City of Pullman and indicated on the Official Shoreline Maps available for review in the Planning Department, are defined as:

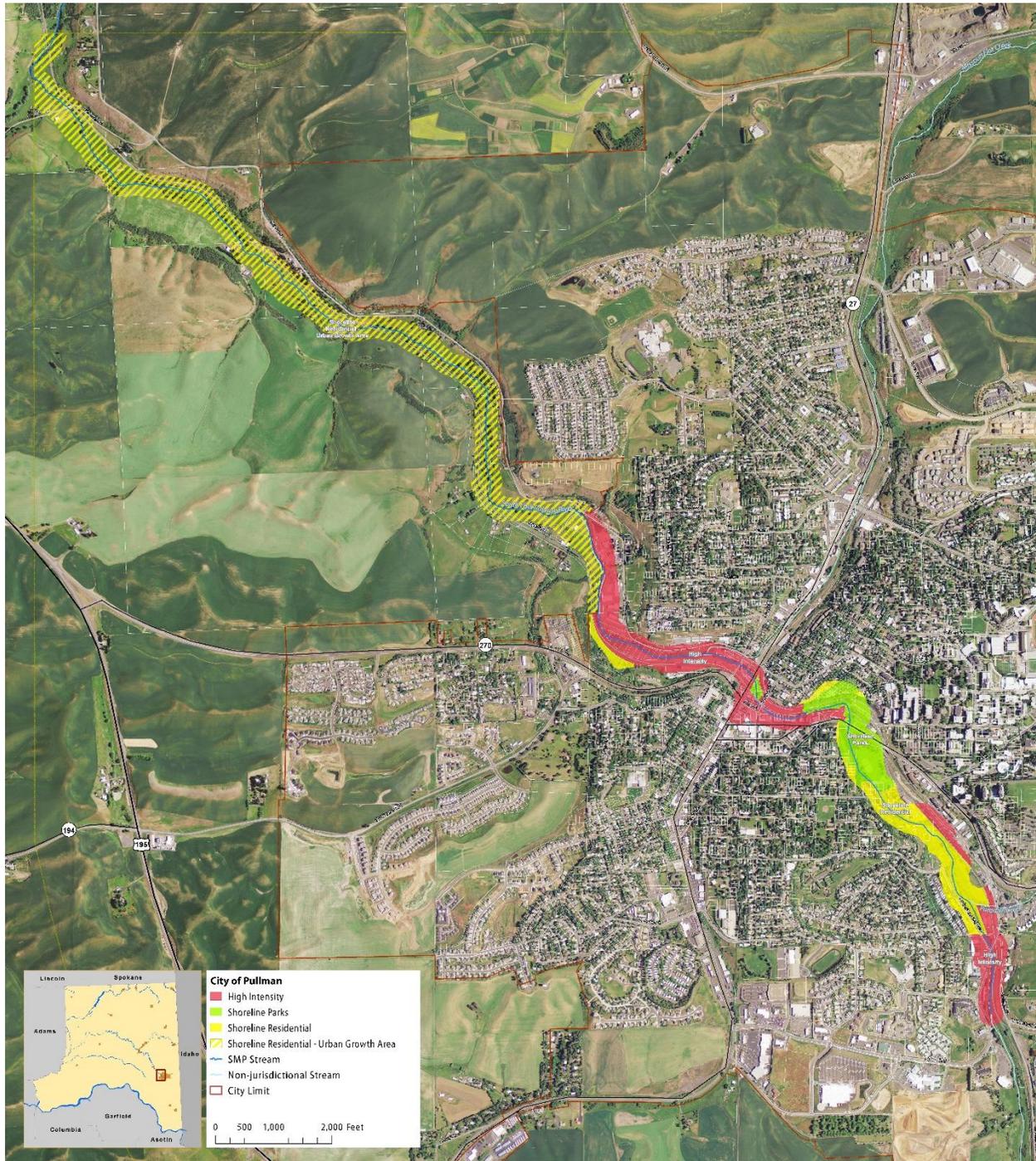
“those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter....” (RCW 90.58.030)



The above chart shows the distribution of land by shoreline designation within City limits, not including the Aquatic designation which only includes the areas waterward of the OHWM, and not including the urban growth area.

The extent of shoreline jurisdiction and the assignment of shoreline environment designations is shown below, and indicated in greater detail on the Official Shoreline Maps available for review in the City Planning Department.

In the long term, the City is planning for the potential annexation of additional shoreline jurisdiction downstream of the current City limits. A shoreline designation and other standards have been pre-assigned to that area, but the City's SMP would only apply to that area after annexation. Until that time, the County's SMP will continue to apply outside of current City limits.



Environment Designations

Shoreline Residential: The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with the SMP. An additional purpose is to provide appropriate public access and recreational uses. The Shoreline Residential environment designation is assigned to areas that are predominantly single-family or multi-family residential development or are planned and platted for residential development.

Shoreline Parks: The purpose of the Shoreline Parks environment is to protect ecological functions of open space, floodplain, and other sensitive public or protected lands. Also, this environment designation is intended to conserve existing natural resources and valuable historic and cultural areas while allowing a variety of compatible uses, and to ensure appropriate management and development of existing and future public parks and recreation areas.

High Intensity: The purpose of the High Intensity environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Nonwater-oriented uses may be allowed as part of mixed-use developments or in areas of traditional non-water-oriented uses such as retail and similar uses in the downtown area. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.

Aquatic: The purpose of the Aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM) of the South Fork of the Palouse River. This environment designation is assigned only to those areas below the OHWM.

General Policies and Regulations

General policies and regulations are applicable to all uses and activities that occur within all shoreline environment designations. The policies and regulations found in this chapter are intended to be used in conjunction with the more specific use and activity regulations found in the following chapters. These policies apply to all uses within the jurisdiction, whether or not a separate shoreline permit is required. The general policies are listed below by topic.

- **Shoreline Use and Development Regulations:** Guides shoreline activities through identifying overall policies on preference toward water-oriented uses, provision of public access opportunities, no net loss of ecological functions, and siting developments to acknowledge the shoreline environment's value as an ecological and scenic resource.
- **Environmental Protection:** Prioritizes protection of all shorelines of the state in a manner consistent with relevant constitutional and other legal limitations on the regulation of private property so that there is no net loss of ecological functions from both individual permitted or exempt development.
- **Shoreline Vegetation Conservation:** Ensures shoreline vegetation, both upland and waterward of the OHWM, is conserved and managed to maintain shoreline ecological functions and processes.
- **Water Quality, Stormwater, and Nonpoint Pollution:** Maintains and improves the water quality and quantity of the City's shorelines, and preserves surface and groundwater for the beneficial use of the City's citizens and wildlife over the long term.
- **Flood Hazard Management:** Recognizes and protects the hydrologic functions of floodplains; ensures developments subject to damage or that could result in loss of life do not locate in areas of known flood hazards unless it can be demonstrated by the project proponent that the

development is sited, designed, and engineered for long-term structural integrity; and guards against increased flood hazards to life and property on and off-site as a result of development.

- Archaeological, Historical, and Cultural Resources: Recognizes that due to the limited and irreplaceable nature of archaeological, historical, and cultural resources, destruction of or damage to any site having historic, cultural, scientific, or educational value should be prevented.
- Public Access: Promotes and enhances the public interest with regard to accessing waters held in public trust by the state while protecting private property rights and public safety and preserving the space necessary for water-dependent uses.

Shoreline Use and Modification Table

All uses and developments in the City’s shoreline jurisdiction shall be allowed or prohibited consistent with the Shoreline Use and Modification Table below. Refer to the text section of the Program for all applicable provisions related to specific uses and modifications.

Table 16.55.610-1 Shoreline Use and Modification Table

| Shoreline Use or Modification | Shoreline Residential | Shoreline Parks | High Intensity | Aquatic |
|--|------------------------------|-----------------|----------------|---------|
| Key: | | | | |
| P = Permitted use (Substantial Development Permit or Exemption) subject to policies and regulations of this SMP ¹ | | | | |
| C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP | | | | |
| X = Prohibited Use | | | | |
| N/A = Not Applicable | | | | |
| Agriculture | | | | |
| Existing Agricultural Activities | Not regulated under this SMP | | | |
| New Agricultural Activities | C | P | P | N/A |
| Agricultural Related Activities | C | X | P | N/A |
| Aquaculture | | | | |
| Commercial | X | X | X | X |
| Non-commercial | X | P | P | P |
| Boating Facilities | | | | |
| Boating Facilities | X | X | X | X |
| Breakwaters, Jetties, Weirs and Groins | | | | |
| To protect or restore ecological functions | P | P | P | P |
| All other purposes | C | C | C | C |
| Commercial Development | | | | |
| Visitor-serving uses | C | C | P | C |
| Recreation concessions | P | P | P | P |
| Other retail, trade or service | | | | |
| General | C | C | C | C |
| Separated from Shoreline ² | C | P | P | N/A |
| Mixed-use project that includes a Water-Dependent Use | C | P | P | P |
| Dredging and Dredge Material Disposal | | | | |
| Dredging | N/A | N/A | N/A | P |
| Dredge Material Disposal ³ | X | C | P | C |

| Shoreline Use or Modification | Shoreline Residential | Shoreline Parks | High Intensity | Aquatic |
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| C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP | | | | |
| X = Prohibited Use | | | | |
| N/A = Not Applicable | | | | |
| Fill and Excavation | | | | |
| Waterward of the OHWM - restoration | N/A | N/A | N/A | P |
| Waterward of the OHWM - other | N/A | N/A | N/A | C |
| Upland of the OHWM | P | P | P | N/A |
| Flood Hazard Management | | | | |
| Flood Hazard Facilities | P | P | P | C |
| Forest Practices | | | | |
| Forest Practices | X | X | X | N/A |
| Industrial Development | | | | |
| Water-Oriented | X | X | P | P |
| Nonwater-Oriented | | | | |
| General | X | X | C | X |
| Separated from Shoreline ² | X | X | P | N/A |
| Mixed-use project that includes a Water-Dependent Use | X | X | P | P |
| In-Stream Structures | | | | |
| To protect public facilities; protect, restore, or monitor ecological functions or processes; protect water-dependent uses; or support agriculture | P | P | P | P |
| Other | C | C | P | See adjacent upland designation |
| Mining | | | | |
| Mining | X | X | X | X |
| Recreational Development | | | | |
| Water-Oriented | P | P | P | P |
| Nonwater-Oriented | | | | |
| General | C | C | C | X |
| Separated from shoreline ² | P | P | P | N/A |
| Redevelopment, Repair, and Maintenance | | | | |
| Redevelopment, Repair, and Maintenance Projects | P | P | P | P |
| Residential Development | | | | |
| Single-Family Dwelling | P | X | X | X |
| Multi-Family Dwelling | C | X | P | X |
| Mobile Homes | New: C Existing: P | X | P | X |

| Shoreline Use or Modification | Shoreline Residential | Shoreline Parks | High Intensity | Aquatic |
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| P = Permitted use (Substantial Development Permit or Exemption) subject to policies and regulations of this SMP ¹ | | | | |
| C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP | | | | |
| X = Prohibited Use | | | | |
| N/A = Not Applicable | | | | |
| Shoreline Restoration and Enhancement | | | | |
| Shoreline Restoration and Enhancement Projects | P | P | P | P |
| Shoreline Stabilization | | | | |
| New Hard Stabilization | P | C | P | See adjacent upland designation |
| New Soft Stabilization | P | P | P | See adjacent upland designation |
| Repair and Replacement | P | P | P | P |
| Transportation and Parking | | | | |
| Expansion of Existing Transportation and Parking Facilities | P | P | P | C |
| New Access Roads Serving Permitted Uses | P | P | P | N/A |
| New Highways, Freeways, Arterials & Collectors | C | P | P | N/A |
| New Bridges | C | C | P | C |
| New Railways | C | C | P | C |
| New Airstrips | X | X | X | N/A |
| New Trails | P | P | P | N/A |
| New Parking to Support Authorized Use | P | P | P | N/A |
| Utilities | | | | |
| Expansion of Existing Utilities | P | P | P | C |
| New Utility Services Accessory to Individual Shoreline Projects | P | P | P | C |
| New Utility Services to Projects outside Shoreline Jurisdiction | C | C | P | C |
| New Power Generating Facilities | C | C | P | C |
| New Utility Transmission Lines | P | P | P | C |
| New Utility Services, General | P | P | P | C |
| New Wastewater Treatment Facility | C | C | C | C |

¹ The determination of whether a permitted use requires a Shoreline Substantial Development Permit or is exempt from a permit depends on whether the specific proposal meets the criteria for a shoreline exemption as identified in Subsection 16.55.306(C) and WAC 173-27-040. This determination is made by the Shoreline Administrator as outlined in Subsection 16.55.302(A).

² Note: Sites “separated from shoreline” are those sites physically separated from the shoreline by another property or public right-of-way.

³ Any disposal of dredge material within a channel migration zone requires a Shoreline Conditional Use Permit. A Shoreline Conditional Use Permit is not required for discharges of dredge material into the flowing current of a river or in deep water within the channel where it does not substantially affect the geo-hydrologic character of the channel migration zone.

Shoreline Development Standards

To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards, such as building height and shoreline buffers, are identified in the SMP. In addition, shoreline developments shall comply with all other dimensional requirements of the Pullman City Code. When a land use is proposed that does not comply with the dimensional performance standards of the SMP, such land use can only be authorized by approval of a Shoreline Variance.

Shoreline Critical Areas Policies and Regulations

Since 1992, Pullman has administered critical areas regulations citywide in accordance with the Washington State Growth Management Act to protect environmental resources and to safeguard lives and properties. This section of the SMP contains a specially modified version of the City’s critical areas regulations that applies only to critical areas located in shoreline jurisdiction. For instance, the “reasonable use exception” contained in the City’s existing regulations has been omitted in the shoreline critical areas standards, effectively replaced by the Shoreline Variance process. The wetlands section in the shoreline critical areas regulations has also been updated to reflect the most current science and requirements of the Department of Ecology, including a revised wetland rating system and more detailed impact mitigation ratios. Finally, a significant change has been made to the habitat conservation areas section of the shoreline critical areas regulations to incorporate specific shoreline riparian habitat area widths that vary based on the environment designation. Several provisions define what uses are allowed in riparian habitat areas, and how the riparian habitat areas can be modified.

The City’s existing critical areas regulations designed to protect geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas were incorporated into the SMP with little modification.

Shoreline Use Policies and Regulations

The following sections of the SMP provide specific policies and regulations concerning different use and development activities in shoreline jurisdiction. They act as an overlay to any existing local zoning or other regulations of use and development.

Agriculture

- SMP does not regulate existing agricultural activities on existing agricultural land (as defined by the Department of Ecology).
- SMP applies to new agriculture on non-agricultural land, non-agricultural uses on agricultural land, conversion of agricultural land to new uses, certain agricultural uses and development not specifically excluded (e.g., new barn).
- Allows for agricultural use and development where appropriate while encouraging control of erosion and irrigation runoff, maintenance of vegetative zones, reduction of storm water runoff and sedimentation, and promotion of healthy fish and wildlife habitat.

Aquaculture

- Restricts aquaculture where it would result in a net loss of ecological functions or significantly conflict with navigation or other water-dependent uses.
- Encourages aquaculture that is supportive of recovery of endangered or threatened fish species.

Commercial Development

- Gives preference to water-dependent commercial uses over nonwater-dependent commercial uses in shoreline jurisdiction.
- Allows for nonwater-oriented commercial uses on sites that are physically separated from the shoreline by another property or public right-of-way.

In-Stream Structural Uses

- In-stream structures are allowed to support agriculture or restoration but cannot interfere with other water-dependent uses.
- Ensures that the location, design, construction and maintenance of in-stream structures give consideration to the full range of public interests, watershed functions, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

Industrial Development

- Recognizes the importance of industrial uses to the City and promotes water-oriented uses for location in appropriate areas along the shoreline, ensuring that existing and new development achieves no net loss of shoreline ecological function.
- Allows for nonwater-dependent industrial uses on sites that are physically separated from the shoreline by another property or public right-of-way.

Recreational Development

- Development of water-oriented recreation is strongly preferred in shoreline jurisdiction.
- Ensures that commercial and public facilities are designed and used to provide recreational opportunities to the public and that they are consistent with shoreline policies, regulations, and long-term planning goals.

Residential Development

- Single-family residences are a common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.
- All residential development should aim to control pollution and prevent damage to the shoreline so as to ensure no net loss of ecological function.

Transportation and Parking

- Allows for maintenance and improvements to existing roads, railroads and parking areas and for necessary new roads and parking areas where alternative locations outside of the shoreline jurisdiction are not feasible.

Utilities

- Encourages minimizing physical and aesthetic disturbance to the shoreline when siting utilities. When feasible, utilities should be placed underground or designed to do minimal damage to aesthetic qualities of the shoreline.

Redevelopment, Repair, and Maintenance

- Allows for all normal redevelopment, repair, and maintenance activities in the shoreline unless significant alterations or impacts to the shoreline ecological function will occur as a result of this activity.

Shoreline Modification Policies and Regulations

This section of the SMP provides specific policies and regulations regarding different modification activities that may occur in shoreline jurisdiction. The provisions in this section act as an overlay to any existing regulations on modifications and development.

The general requirements in this section allow for shoreline modifications if the use or activity is permitted under the SMP and if adverse individual and cumulative impacts are avoided, minimized, and mitigated resulting in no net loss of shoreline ecological functions. Unique policies and regulations are contained in this section for breakwaters, jetties, weirs, and groins; dredging and dredge material disposal; fill and excavation; shoreline restoration and enhancement; and shoreline stabilization.