

Chapter 13 Shoreline Master Program

Introduction

This chapter contains Clark County's Shoreline Master Program Goals and Policies. These goals and policies are implemented by Chapter 40.460 of the Clark County Code. These goals and policies, along with Chapter 40.460 and the Official Shoreline Map are adopted as the Clark County Shoreline Master Program (Program).

The Shoreline Management Act (SMA) (RCW 90.58) was adopted in 1971. The SMA requires local governments to plan for the use of shorelines within their jurisdictions. The SMA and WAC 173-26 establish a broad policy giving preference to shoreline uses that:

1. Depend on proximity to the shoreline ("water-dependent uses");
2. Protect biological and ecological resources, water quality and the natural environment; and
3. Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

Clark County's first shoreline master program was adopted in 1974. In 1995, the goals and policies of the SMA were added as one of the goals of the Growth Management Act (RCW 36.70A.480) and were required to become a component of the county comprehensive plan. The Program had not been updated since then. Using a grant from the Department of Ecology, the county partnered with its seven cities (the Clark County Shoreline Coalition) to develop a uniform set of goals, policies and shoreline designations for shorelines across the county.

General Shoreline Goals

The general goals of this Program are to:

1. Use the full potential of shorelines in accordance with the opportunities presented by their relationship to the surrounding area, their natural resource values and their unique aesthetic qualities offered by water, topography and views; and
2. Develop a physical environment that is both ordered and diversified and which integrates water and shoreline uses while achieving a net gain of ecological function.

~~Shorelines of~~ Shorelines of Statewide Significance

Within the County, the Columbia and Lewis Rivers, portions of the East Fork Lewis and Washougal Rivers, Lakes Merwin, Vancouver and Yale are designated shorelines of statewide significance (SSWS).

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Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:
 - Recognize and protect the statewide interest over local interest;
 - Preserve the natural character of the shoreline;
 - Result in long-term over short-term benefit;
 - Protect the resources and ecological function of the shoreline;
 - Increase public access to publicly-owned areas of the shorelines;
 - Increase recreational opportunities for the public in the shoreline; and
 - Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
2. Uses that are not consistent with these policies should not be permitted on SSWS.
3. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.
4. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by restricting or prohibiting development that would irretrievably damage shoreline resources and evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

Archaeological, Historic and Cultural Resources

Goal

The goal for archaeological, historic and cultural resources is to preserve and prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value. Such sites include those identified by affected Native American tribes, the Department of Archaeology and Historic Preservation, Clark County Historic Preservation Commission and other appropriate authorities.

Policies

1. Identify, protect, preserve and restore important archaeological, historic and cultural sites located in shorelands of the state for educational, scientific and enjoyment of the general public.
2. Where appropriate, make access to such sites available to parties of interest, provided that access to such sites be designed and managed in a manner that protects the resource.
3. Historical and cultural sites should be acquired so as to ensure their protection and preservation.

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Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

4. Encourage projects and programs that foster a greater appreciation of shoreline management, local history, maritime activities, environmental conservation and maritime history.
5. Continue to contribute to the state and local inventory of archaeological sites enhancing knowledge of local history and understanding of human activities.

Conservation

Goal

The goal of conservation is to protect shoreline resources, vegetation, important shoreline features, shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

Policies

1. Shorelines that support high value habitat or high quality associated wetlands should be considered for the highest level of protection to remain in an unaltered condition.
2. Impacts to critical areas should first be avoided and where unavoidable, minimized and mitigated to result in no net loss of watershed processes and shorelines functions.
3. Management practices for natural resources (including agriculture, timber and mining) in shoreline areas should be developed and implemented to ensure the preservation of nonrenewable resources, including unique, scenic and ecologically sensitive features, wetlands and wildlife habitat.
4. Priority should be given to proposals to create, restore, or enhance habitat for priority species in terms of administrative and regulatory assistance.
5. Regulatory, non-regulatory and incentive programs should all be used for the protection and conservation of wildlife habitat areas. Emphasize policies and standards to protect and conserve critical areas as larger blocks, corridors or interconnected areas rather than in isolated parcels.
6. Encourage the retention of existing vegetation along shorelines and where removal is unavoidable for physical or visual access to the shoreline, limit alteration such that habitat connectivity is maintained, degraded areas are restored and the health of remaining vegetation is not compromised.

Economic Development

Goal

The goal for economic development is to create and maintain an economic environment that is balanced with the natural and human environment.

Policies

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Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

1. Current economic activity that is consistent with the policies of this Program should continue to be supported.
2. Healthy economic growth is allowed and encouraged through those economic activities that will be an asset to the local economy and which will result in the least possible adverse effect on the quality of the shoreline and downstream environments.
3. New water-oriented industrial, commercial and resource-based activities that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline.
4. As an economic asset, the recreation industry should be encouraged along shorelines in a manner that will enhance the public enjoyment of shorelines, consistent with protection of critical areas and cultural resources.
5. Existing non-water-oriented commercial, industrial and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline ecological functions.

Flood Prevention and Flood Damage Minimization

Goal

The goal for flood hazards is to promote public health, safety and general welfare by minimizing public and private losses due to flood conditions in specific areas and by maintaining and restoring natural flow patterns.

Policies

1. All shoreline development should be located, designed and constructed to prevent flood damage and to the extent possible be located outside of shoreline jurisdiction.
2. Flood management works should be located, designed, constructed and maintained to protect:
 - a. the physical integrity and other properties of the shoreline and other properties that may be damaged by alterations of the geo-hydraulic system;
 - b. water quality and natural groundwater movement;
 - c. fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and
 - d. recreation resources and aesthetic values such as point and channel bars, islands and other shoreline features and scenery.

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

3. Non-structural flood hazard reduction measures are preferred to structural measures. Flood hazard reduction measures should be accomplished in a manner that ensures no net loss of shoreline ecological functions and ecosystem-wide processes.
4. Flood protection measures that result in channelization and/or reduction in shoreline ecological function should be avoided.
5. Proposals for shoreline protection should clearly demonstrate that life, property and natural resource values within the stream system will not be endangered.
6. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
7. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

Public Access and Recreation

Goal

The goal of public access and recreation is to increase the ability of the general public to enjoy the water's edge, travel on the waters of the state and to view the water and the shoreline from adjacent locations.

Policies

1. Provide, protect and enhance a public access system that is both physical and visual; utilizes both private and public lands; increases the amount and diversity of public access to the State's shorelines and adjacent areas; and is consistent with the shoreline character and functions, private rights and public safety.
2. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use and develop recreation facilities so that they are distributed throughout the community to foster convenient access.
3. Locate public access and recreational facilities in a manner that encourages variety, accessibility and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline.
4. Encourage public access provisions consistent with adopted city and county trails plans.
5. Encourage public access as part of each development project by a public entity and for all private development (except residential development of less than four parcels), unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

6. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health and safety, or is necessary to a proposed beneficial use.
7. Consider private rights, public safety and protection of shoreline ecological functions and processes when providing public access and recreational opportunities.

Restoration

Goal

The goal of restoration is to re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the SMP Restoration Plan and other approved restoration plans.

Policies

1. Shorelines that are biologically degraded should be reclaimed and restored to the greatest extent feasible.
2. Restoration strategies should be developed and implemented such that ecosystem processes are sustainable in the long term.
3. Restoration of shoreline ecological functions should be encouraged during redevelopment.
4. Restoration efforts should include retrofitting existing stormwater control facilities to improve water quality.
5. Restoration efforts should consider a focus on floodplain and channel migration zone reconnection where rivers are confined by levees.
6. Restoration projects should have adaptive management techniques including adjusting the project design, correcting problems (barriers to success) and implementing contingency measures.
7. Eradication of invasive species, including noxious weeds and non-native species, should be undertaken as needed.
8. Planting of vegetation that enhances shoreline ecological function should be encouraged.
9. Education programs should be developed for:
 - a. Property owners about proper vegetation/landscape maintenance and the impacts of shore armoring and over-water structures; and
 - b. Boaters about proper waste disposal methods, anchoring techniques, best boating practices and the State's invasive species inspection program pursuant to RCW 77.15.290.
10. Cooperative restoration actions involving local, state and federal agencies, Native American tribes, non-government organizations and landowners should be encouraged.

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

Shoreline Modification and Stabilization

Goal

The goal for shoreline modification and stabilization is to avoid or minimize the need for shoreline armoring along shorelines of the state and when it is necessary, achieve it in a way that best protects ecosystem processes, shoreline ecological functions and downstream properties.

Policies

1. New developments should be located in such a manner as to not require shoreline stabilization measures.
2. When necessary, natural, non-structural shoreline stabilization measures are preferred over structural stabilization measures. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - a. No action;
 - b. Flexible stabilization works constructed of natural materials, including soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization; c. Rigid works constructed of structural materials such as riprap or concrete.
3. Allow new or expanded structural shore stabilization, including bulkheads, only where it is demonstrated to be necessary to protect an existing primary structure that is in danger of loss or substantial damage and where such structures and structural stabilization would not cause a net loss of shoreline ecological functions and processes.
4. Shoreline stabilization should be located and designed to accommodate the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.
5. Provisions for multiple use, restoration and/or public shore access should be incorporated into the location, design and maintenance of shore stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shoreline stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.
6. Shoreline stabilization projects should be developed in a coordinated manner among affected property owners and public agencies within a reach where feasible, particularly those that cross-jurisdictional boundaries, to address ecological and geo-hydraulic processes and sediment conveyance.
7. Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed or replaced to restore shoreline ecological functions and processes.

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

8. Larger works such as jetties, breakwaters, weirs, or groin systems should be permitted only for water-dependent uses and where mitigated to provide no net loss of shoreline ecological functions and processes.
9. Lower impact structures, including floating, portable or submerged breakwater structures, or several smaller discontinuous structures, are preferred over higher impact structures.
10. Encourage and facilitate levee setback (including but not limited to, pulling back an existing levee to allow for a larger floodplain area contiguous to a water body), levee removal and other shoreline enhancement projects.
11. Materials used for construction of shoreline stabilization should be selected for durability, ease of maintenance and compatibility with local shoreline features.
12. Development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of shoreline ecological functions within the rivers and streams should be limited.

Shoreline Use and Development

Goal

The goal for shoreline use and development is to balance the preservation and development of shorelines in a manner that allows for mutually compatible uses. Resulting land use patterns will be compatible with shoreline designations and sensitive to and compatible with ecological systems and other shoreline resources. To help with this balance, shoreline and water areas with unique attributes for specific long-term uses such as commercial, residential, industrial, water, wildlife, fisheries, recreational and open space shall be identified and reserved.

Policies

1. Uses in shorelines and water areas shall be allowed in the following priority order:
 - a. water-dependent uses;
 - b. water-related uses; and
 - c. water-enjoyment uses.
2. Uses, activities and facilities should be located on shorelines in such a manner as to:
 - a. Retain or improve the quality of shoreline ecological function;
 - b. Respect the property rights of others;

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

- c. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties; and
 - d. Preserve and/or restore, to the maximum reasonable extent, the shoreline's natural features and functions in conjunction with any redevelopment or revitalization project.
3. The following are encouraged in shoreline areas:
- a. Uses that enhance their specific areas or employ innovative features for purposes consistent with this program;
 - b. The redevelopment of any area not suitable for preservation of natural features, based on its shoreline designation, with an emphasis on public access;
 - c. Master planning for large sites or projects;
 - d. Shared uses and joint use facilities in shoreline developments; and
 - e. Uses that allow for or incorporate restoration of shoreline areas that are degraded as a result of past activities or events.
4. Uses proposed on lands adjacent to but outside of immediate shoreline jurisdiction should be consistent with the intent of this Program and should not adversely impact shoreline ecological functions.

Transportation, Utilities and Institutional Facilities

Goal

The goal for transportation, utilities and institutional facilities is to provide for these facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

Policies

1. Locate institutional facilities, utilities and circulation systems that are not shoreline dependent outside of the shoreline jurisdiction to the maximum extent possible to reduce interference with either natural shoreline ecological functions or other appropriate shoreline uses.
2. Provide safe, reasonable and adequate circulation systems to shorelines where routes will have the least possible adverse effect on shoreline ecological function and existing ecological systems, while contributing to the visual enhancement of the shoreline.

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

3. Protect, manage and enhance those characteristics of shoreline transportation corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.
4. Devote roads within the shoreline jurisdiction to low volume local access routes and shoreline public access.
5. Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.
6. Locate utility and transportation corridors to avoid creating barriers between adjacent uplands and the shoreline and to harmonize with the topography and other natural characteristics of the shoreline.
7. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance and encourage development of physical and visual shoreline public access.
8. Where feasible, relocate existing utility and transportation facilities, such as transmission lines, rail lines, or freeways that limit public shoreline access or other shoreline uses and convert such rights-of-way to new public access routes.
9. Utilities and transportation facilities should be installed and facilities designed and located in a coordinated manner that protects the shorelands and water from contamination and degradation.

Views and Aesthetics

Goal

The goal for views and aesthetics is to assure that the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, is protected to the greatest extent feasible.

Policies

1. Identify and encourage the protection of scenic vistas and areas where the shoreline has high aesthetic value.
2. Encourage development within the shoreline area that provides visual and physical linkage to the shoreline and enhances the waterfront.
3. Encourage development design that minimizes adverse impacts on views enjoyed by a substantial number of residences.
4. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.

Water Quality and Quantity

Goal

Exhibit 2

Proposed Amendments to Chapter 13 of the Clark County Comprehensive Growth Management Plan 2015-2035

The goal for water quality and quantity is to protect and enhance the quality and quantity of the region's water resources to ensure there is safe, clean water for the public's needs and enjoyment.

Policies

1. Encourage the location, construction, operation and maintenance of shoreline uses, developments and activities to be focused on maintaining or improving the quality and quantity of surface and ground water over the long term.
2. Minimize, through effective education, site planning and best management practices, the inadvertent release of chemicals, activities that cause erosion, stormwater runoff and faulty on-site sewage systems that could contaminate or cause adverse effects on water quality.
3. Encourage the maintenance and restoration of appropriate vegetative buffers along surface waters to improve water temperature and reduces the adverse effects of erosion and runoff.

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