

## MEMO

**To:** Shoreline Advisory Committee  
Planning Advisory Board

**FROM:** Planning Staff

**RE:** Shoreline Management Master Program Update

### ✦ **SHORELINE MANAGEMENT ACT - BACKGROUND AND APPLICABILITY:**

Until about 40 years ago, development along Washington's shorelines tended to be piecemeal and uncoordinated. To improve and protect shoreline values and benefits, the state Legislature passed the state Shoreline Management Act (SMA) in 1971. The public adopted the SMA in a 1972 referendum vote as RCW 98.58.

In 1972, the United States Congress passed the Coastal Zone Management Act (CZMA) as an expression of its concern over the then-current and future health of our nation's coastal areas. Introducing the CZMA, the lawmakers proclaimed:

*"There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone."*

Congress described the nation's coastal zone as "one rich in valuable natural and commercial resources, but recognized that demands upon coastal lands and waters had resulted in the loss of those resources". Noted as extremely vulnerable were ecologically fragile areas and the marine life found therein. Congress asserted that the nation's important cultural, historic, and aesthetic values also were being irretrievably lost.

The Coastal Zone Management Act requires that the Coastal Zone Management Plans (CZMP) of the State include procedures whereby specific areas, such as the City of Langley, may be designated for the purpose of preserving or restoring them for their conservation, recreational ecological, historical, or esthetic values. Washington's Coastal Zone Management Program states:

*These programs would be aimed at the "wise use" of the land and water resources of the coastal zone, while fully considering ecological, cultural, historic, and aesthetic values as well as the need for compatible economic development; and that the State's program is to assist in redevelopment of urban waterfronts and preservation of historic, cultural, and aesthetic features.*

To manage shoreline development and uses, the state law established a cooperative relationship between local governments and the Washington Department of Ecology (Ecology). The SMA applies to shorelines, shorelands, and shorelines of statewide significance as defined below:

1. *"Shorelands" or "shoreland areas" means those lands extending landward for two hundred 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 the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.*
  - a. *Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.*

- b. Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under this chapter.*
2. *"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet (150 gallons) per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.*
  3. *"Shorelines of statewide significance" means (in Langley's case) those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low.*
  4. *"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.*

The SMA has three main purposes:

- Encourage reasonable and orderly development of shorelines, with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect the natural character of Washington shorelines, the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas.

Shoreline master programs are the cornerstone for carrying out the SMA. Under state law, towns, cities, and counties with shorelines covered by the Act must develop locally-tailored programs to guide shoreline use, development and public access.

Each local government approves its program after a period of public review and comment. Then the local government sends its approved program to Ecology, who reviews it for consistency with state law. Ecology must approve the locally approved and submitted program before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption.

Lawmakers made Ecology responsible for ensuring local shoreline programs, when added together, protect the statewide public interest. Ecology does this by providing guidance to local governments about the essential elements a shoreline master program must contain, and reviewing and approving local programs. The Washington State master program approval/amendment procedures and master program guidelines are set forth as Chapter 173-26.

These guidelines set minimum procedural and substantive standards for local governments updating their programs. The 2003 guidelines now in place resulted from a negotiated settlement between business interests, ports, environmental groups, shoreline user groups, cities and counties, Ecology, and the courts. Ecology and state Growth Management Hearings Boards use the guidelines to review and approve local shoreline program updates. Also in 2003, the state legislature provided funding and established a mandatory schedule for local shoreline program updates through 2014.

Previously a Shoreline Master Program (SMP) was adopted as a planning element of the comprehensive plan that was implemented by locally adopted and codified shoreline use regulations. The City's current

shoreline program is in this form (Langley SMP and Chapter 18.31 LMC). An SMP adopted under the new guidelines will exist as a single codified document.

### **SHORELINE MANAGEMENT PLANNING REQUIREMENT**

Washington's 2003 legislature required over 260 towns, cities and counties to comprehensively update their Shoreline Master Programs (SMP) by 2014. Most local programs had not been fully updated in over 30 years. In Langley's case, the existing SMP was updated in 2001. Now the SMP must be updated to comply with the Guidelines adopted in 2004 and amended in 2011. The update must be completed by the end of 2012.

The SMP update process includes an assessment of shoreline areas under the provisions of the Shoreline Management Act, including completion of inventory and analysis reports with corresponding maps and illustrations that characterize shoreline ecological conditions; development of shoreline policies, environment designations, and use regulations; as well as analysis of cumulative impacts and uses, preparation of a shoreline restoration plan, and a formal local adoption process

### **SMP GUIDELINES – THEIR AUTHORITY, PURPOSE AND EFFECTS**

The SMP Guidelines are state standards which local governments must follow in drafting their shoreline master programs. The Guidelines translate the broad policies of the SMA (RCW 90.58.020) into standards for regulation of shoreline uses. The state legislature directed Ecology in 1995 to update the guidelines, which had not been revised since 1972 and did not account for advancements in science and shoreline management practices nor the recent passage of Washington's Growth Management Act. Ecology proposed a first draft in 1999 and adopted a substantially revised draft in 2000 that was challenged in court. After a year-long mediation effort in 2002 a third draft, which was issued for public comment in July 2002. The final version was adopted December 17, 2003 and became effective January 17, 2004.

In 2011, Ecology amended the Guidelines in response to a 2007 statute (RCW 43.21A.681) that directed Ecology to "adopt, by rule" guidance on geoduck aquaculture with advice from a Shellfish Aquaculture Regulatory Committee (SARC). Ecology adopted amendments to the Guidelines in February 2011 that include new provisions for commercial geoduck aquaculture. (We expect to soon begin processing a geoduck harvest permit in Langley.) Ecology also completed additional housekeeping amendments to chapters 173-18, 20, 22, 26 and 27 WAC at that time.

The Guidelines are adopted under the Washington Administrative Code. The authority, purpose, and intent of the Guidelines is stated in WAC 173-26-171.

*Authority, purpose and effects of guidelines.*

*(1) Authority. RCW 90.58.090 authorizes and directs the department to adopt "guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100" for development of local master programs for regulation of the uses of "shorelines" and "shorelines of statewide significance." RCW 90.58.200 authorizes the department and local governments "to adopt such rules as are necessary and appropriate to carry out the provisions of" the Shoreline Management Act.*

*(2) Purpose. The general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state." Local government shall have the primary responsibility for initiating the planning required by the Shoreline Management Act and "administering the regulatory program consistent with the policy and provisions" of the act. "The department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and insuring compliance with the policy and provisions" of the act. RCW 90.58.050.*

In keeping with the relationship between state and local governments prescribed by the act, the guidelines have three specific purposes: To assist local governments in developing master programs; to serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the act and, to be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

(3) Effect.

(a) The guidelines are guiding parameters, standards, and review criteria for local master programs. The guidelines allow local governments substantial discretion to adopt master programs reflecting local circumstances and other local regulatory and nonregulatory programs related to the policy goals of shoreline management as provided in the policy statements of RCW 90.58.020, WAC 173-26-176 and 173-26-181. The policy of RCW 90.58.020 and these guidelines constitute standards and criteria to be used by the department in reviewing the adoption and amendment of local master programs under RCW 90.58.090 and by the growth management hearings board and shorelines hearings board adjudicating appeals of department decisions to approve, reject, or modify proposed master programs and amendments under RCW 90.58.190.

(b) Under RCW 90.58.340, the guidelines, along with the policy of the act and the master programs, also shall be standards of review and criteria to be used by state agencies, counties, and public and municipal corporations in determining whether the use of lands under their respective jurisdictions adjacent to the shorelines of the state are subject to planning policies consistent with the policies and regulations applicable to shorelines of the state.

(c) The guidelines do not regulate development on shorelines of the state in counties and cities where approved master programs are in effect. In local jurisdictions without approved master programs, development on the shorelines of the state must be consistent with the policy of RCW 90.58.020 and the applicable guidelines under RCW 90.58.140.

## **✦ SMP GRANTS PROGRAM AND PHASES AND STATUS OF SMP DEVELOPMENT**

Ecology provides grants to towns, cities and counties to fund the development of comprehensive SMP updates. The legislature appropriated funds “sufficient” to award grants to all jurisdictions that are required to update SMPs by December 2011 and all Puget Sound jurisdictions that are required to update SMPs by December 2012. The City was awarded a grant in the amount of \$50,000 over a 3 year period with \$30,000 remaining for Phases 3 – 6. (Money from the first State budget year for Phase 1 and 2 could not be carried forward to the remaining phases.

The Grant work program is divided into the following 6 project phases. The first two phases (budget year 1) are complete.

***Phase 1: Preliminary Shoreline Jurisdiction and Public Participation Plan - Completed***

***Phase 2: Shoreline Inventory, Analysis and Characterization - Completed***

*Task - Complete shoreline inventory*

*Task - Conduct shoreline analysis*

*Task 2.2.1: Characterize ecosystem-wide processes*

*Task 2.2.2: Characterize shoreline functions*

*Task 2.2.3: Conduct shoreline use analysis and identify public access opportunities*

*Task 2.3: Prepare inventory and characterization report*

*Task 2.4: Demonstrate how Phase 2 complies with Guidelines: Checklist*

The remaining Phases are listed below. The Shoreline Advisory Committee has been convened to assist in the development of Tasks 1, 2, 3, and 4 of Phase 3

*Phase 3: Environment Designation, Policy and Regulation Development, Cumulative Impacts Analysis*

*Task 1 General goals, policies, and regulations*

*Task 2 Develop environment designations*

*Task 3 Develop policies, regulations and standards for shoreline uses and modifications*

*Task 4 Develop administrative provisions*

*Task 5 Prepare cumulative impact analysis*

*Task 6 Demonstrate how Phase 3 complies with Guidelines: Checklist*

*Phase 4: Restoration Plan, Revisit Phase 3 products*

*Task - Prepare restoration plan*

*Task - Revisit draft environment designations, policies, and regulations and finalize maps*

*Task - Demonstrate how no net loss (NNL) is achieved*

*Task - Demonstrate how Phase 4 complies with Guidelines: Checklist*

*Phase 5: Local Approval*

*Phase 6: State Approval*

RCW 90.58.100(2) states that the master programs shall, when appropriate, include the following elements:

1. *An economic development element;*
2. *A public access element;*
3. *A recreational element;*
4. *A circulation element;*
5. *A use element;*
  - a. *Agriculture*
  - b. *Aquaculture*
  - c. *Boating facilities*
  - d. *Commercial development*
  - e. *Forest practices*
  - f. *Industry*
  - g. *In-stream structural uses*
  - h. *Mining*
  - i. *Recreational development*
  - j. *Residential development*
  - k. *Transportation and parking*
  - l. *Utilities.*
6. *A conservation element;*
7. *An historic, cultural, scientific, and educational element*

SMPs must also address:

1. *Archaeological and historic resources*
2. *Critical areas*
3. *Flood hazard reduction*
4. *Public access*
5. *Shoreline vegetation conservation*
6. *Shoreline modifications*
  - a. *Shoreline stabilization*
  - b. *Piers and docks*
  - c. *Breakwaters, jetties, groins, and weirs*
  - d. *Dredging and dredge material disposal*
  - e. *Shoreline habitat and natural systems enhancement projects*

A typical table of contents for an SMP adopted under the new Guidelines is attached as Attachment A.

## **❖ TASK 1 - GENERAL GOALS, POLICIES, AND REGULATIONS RELATIONSHIP BETWEEN GOALS, POLICIES AND REGULATIONS**

Goals are the broadest expression of community desires consistent with the Shoreline Management Act (SMA). The SMA and state SMP guidelines do not require the inclusion of Goal Statements in an SMP. However, many local communities find value in the goal-setting process itself because it focuses the community on mutually desired outcomes before beginning the potentially more divisive process of deciding how to best achieve those outcomes.

A policy is a commitment to act in a prescribed manner in the administration of the master program. Most policy statements use the verb form "should" to indicate the principal to be upheld in making a decision and that the policy direction itself will require interpretive judgment in applying it to a specific case.

A regulation is an authoritative rule dealing with the specifics of a use or physical standard. Regulations are specific, as definitive as possible, and generally use the verb form "shall" to indicate that the statement must be conformed to.

The term "provision" is used in Ecology's SMP guidelines and SMP Submittal checklist to indicate policies, regulations, standards, guideline criteria or environment designations. (Rule citation)

Legally, the entire SMP is adopted by Ecology as a planning and regulatory program. In practice, however, the SMP policies are adhered to with more flexibility than regulations in the review of development proposals at the local and state level. Most jurisdictions use the regulations as the primary standards against which all development proposals are evaluated. The policies form the umbrella framework under which the regulations were originally developed and are now used to help interpret, give support to or explain the regulations. It is important to keep in mind that the mandate of the SMA is to implement adopted shoreline policy.

### **SMP TASK 2 - DEVELOP ENVIRONMENT DESIGNATIONS**

Under Task 2 the City must develop environment designations that provide for compliance with the Shoreline Management Act and the SMP Guidelines based upon local conditions, and will prepare a justification for, and a map illustrating recommended shoreline designations.

*Develop environment designations that are appropriate to current waterfront conditions per the findings of the shoreline inventory and characterization. Shoreline environment designations may be comprised of those recommended in the guidelines; the existing local SMP; unique, locally developed environments; or any combination of these, so long as they are consistent with WAC 173-26-211 environment designation criteria.*

*Prepare draft maps illustrating the land and water area contained within mapped shoreline designation boundaries together with justification and rationale for the proposed designations. Boundaries of shoreline environment designations shall be clearly mapped. Optional shoreline jurisdiction areas, including entire floodplains and buffers for critical areas, should be mapped and designated if they are included within shoreline jurisdiction. A map clearly illustrating existing designations compared to proposed designations should be prepared. A narrative rationale describing reasons for maintaining or changing the designations shall be included.*

Pursuant to WAC 173-26-211 master programs must contain a system to classify shoreline areas into specific environment designations. The classification system must be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system must be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

## **The Current Langley SMP Environment Designations:**

### **Urban/High Intensity Environment**

#### **Purpose**

The purpose of the Urban/High Intensity Environment designation is to ensure optimum use of the shorelines in area characterized by high-intensity land uses or planned for future high intensity development. The Urban/High Intensity Environment should be managed to maintain the shorelines for a variety of more intense developments including water dependent, water related or water enjoyment uses and to protect shoreline resources.

#### **Designation Criteria**

Areas designated Urban/High Intensity shall meet one or more of the following criteria:

1. An area of existing intense development; including commercial, high-density residential and industrial uses.
2. An area of water dependent, water related or water enjoyment uses.
3. Areas planned for and designated as Commercial, Residential-Medium, Residential-High, and Open Space/Public Use in the Langley Comprehensive Plan; and areas on the Official Zoning Map designated Central Business, Public Use, RM-Mixed Residential, and the RS 7200 zone district located at the end of Sunrise Lane.

### **Shoreline Residential Environment**

#### **Purpose**

The purpose of the Shoreline Residential Environment is to recognize areas where the predominant land use is residential and to accommodate future residential development consistent with the Langley Comprehensive Plan while protecting shoreline resources.

#### **Designation Criteria**

Areas designated Shoreline Residential shall meet one or more of the following criteria:

1. Areas where the predominant development is residential.
2. Those areas designated as Residential-Low, Residential-Medium, and Open Space in the Langley Comprehensive Plan.
3. Areas designated RS 5000, RS 7200\* and RS 15,000 on the Official Zoning Map (\* except the RS 7200 zone district at the end of Sunrise Lane).

### **Aquatic Environment**

#### **Purpose**

The purpose of the Aquatic Environment is to protect the marine environment and critical biological resource areas, to protect the public's right to navigation and where appropriate, allow for water dependent and water related uses.

#### **Designation Criterion**

All marine water seaward of the ordinary high water mark (OHWM), including the water surface, water column and underlying tidelands, together with any associated swamps, marshes and wetlands.

## **Sub-Designation - Urban Aquatic**

### **Purpose**

Consistent with the purpose of the Aquatic Environment, this subordinate designation is to provide an area for water dependent and water related uses adjacent to the Urban/High Intensity Environment and to assure compatibility with adjacent upland uses.

### **Designation Criterion**

Those portions of the Aquatic Environment adjacent to the Urban/High Intensity Environment.

### **Environment Boundaries**

#### **Urban/High Intensity Environment (U)**

The Urban/High Intensity Environment is all the property not included in the Shoreline Residential (SR) Environment; from the property line between Lots 8 and 9, Replat of Reserve B, to the property line between Assessors Roll Parcels R33034-015-4310 and R33034-013-4440.

#### **Shoreline Residential Environment (SR)**

The Shoreline Residential Environment extends from the western City limits to the property line between Lot 8 (402 First Street) and Lot 9 (west end of the Inn at Langley property), Replat of Reserve B; and, from the property line between Assessor's Roll Parcels R33034-015-4310 and R33034-013-4440 (576 Camano Avenue) to the eastern City limits.

#### **Aquatic Environment (A)**

The Aquatic Environment extends offshore from the SR Environment as described above.

#### **Urban Aquatic Environment (UA)**

The Urban Aquatic Environment extends offshore from the Urban/High Intensity Environment as described above.

### **GMA and SMP Guidelines**

As noted in the Guidelines ((WAC 173-26-191(1) (e)), RCW 90.58.340 requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. Conversely, local comprehensive plans constitute the underlying framework within which master program provisions should fit. The Growth Management Act, where applicable, designates shoreline master program policies as an element of the comprehensive plan and requires that all elements be internally consistent. Chapter 36.70A RCW also requires development regulations to be consistent with the comprehensive plan. The following criteria are

The following criteria were used in evaluating the consistency between proposed master program environment designation and the corresponding comprehensive plan elements:

- (a) Provisions not precluding one another.

The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criteria, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local

zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) Use compatibility.

Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent water-oriented uses, especially water-dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) Sufficient infrastructure.

Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

## **Draft City of Langley Shoreline Environments Designations**

### ***19.30.220 General.***

A. In order to employ the goals and policies of this master program effectively, the local shoreline areas are assigned environment designations as set forth in WAC 173-26-211. The designations as applied to the shoreline are shown on Attachment 2. The designations are applied to each area based on existing development patterns, the known biological and physical limitations of the area, the City Future Land Use Plan and associated zone designations, and the goals and desires of the public.

B. The system of environment categories is intended to encourage uses that will enhance the character of the environment in which they occur and to provide reasonable restrictions on development to prevent degradation of that character.

### ***19.30.230 Urban environment.***

A. Statement of Purpose. The urban environment is an area of intensive and diverse land use. This environment includes most of what people think of as Langley, i.e. the heart of Langley, the place where its historic character is most apparent. Most businesses are now tourist-oriented, but reminders of the original focus as a regional commercial center are important features. The purpose of this environment is to ensure full use of the already urbanized historical shoreline waterfront by providing for and maintaining a variety of uses consistent with the existing scale of development and the City's adopted land use plan, encouraging those that are water-dependent, water-related, or water-enjoyment.

B. Designation Criteria. Areas to be designated urban should meet one or more of the following criteria:

1. Shorelines used or planned for commercial, utility, port, and/or high density residential development; or
2. Shorelines designated for expansion of urban uses based on adopted City plans for utilities, roads and other services, or

3. Areas which can provide the necessary infrastructure of public services, utilities and access to accommodate urban development

C. Management Policies. – TBD

**19.30.240 Urban Conservancy Environment.**

A. Statement of Purpose. The objective in designating an Urban Conservancy Environment is to protect, conserve, enhance, restore and manage existing natural resource areas and valuable historic, open space, floodplain, and other sensitive lands and cultural areas where they exist in urban and developed settings, while allowing a variety of compatible uses, including public infrastructure. This should be done in a manner that will insure recreational benefits to the public and low-impact development without substantial adverse modification of shorelines or topography.

B. Designation Criteria. The Urban Conservancy Environment should be applied to those areas which would most benefit the public by having their existing character maintained, but which are able to accept a limited level of development or resource utilization. Areas to be designated in the Urban Conservancy Environment should possess one or more of the following criteria:

1. Shorelines used or planned for residential, utility, park, and/or low density residential development
2. Areas which could satisfy the present or future recreation needs of the City’s residents.
3. Areas possessing biophysical limitations too severe to allow them to develop to the extent provided in the Urban Environment. Such limitations could include:
  - a. Areas of steep slopes, presenting erosion and slide hazards;
  - b. Areas prone to flooding including the 100-year flood plain;
  - c. Areas with soils that have poor drainage.
4. Areas possessing valuable natural resources or features which would tolerate only minimal changes in topography or the land/water interface.
5. Areas where more intensive development or use would be hazardous to public health and safety, or would result in interference with natural processes causing significant detriment to other resources.
6. Areas which are free from extensive development, and can serve as needed open space by maintaining their existing character.
7. Areas which have potential for ecological restoration.
8. Areas which retain important ecological functions, even though partially developed.
9. Areas which have the potential for limited development that is compatible with ecological restoration.

C. Management Policies. – TBD

**19.30.250 Aquatic environment.**

A. Statement of Purpose. 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. The aquatic environment is designed to protect the quality and quantity of surface water, to preserve water areas for water-dependent uses such as navigation and appropriate recreation and to preserve natural features and resources of Penn Cove from degradation.

B. Designation Criteria: Areas designated aquatic shall include those water areas under jurisdiction of the Act and within the boundaries or under the jurisdiction of the City of Langley that are adjacent to

the Urban Conservancy environment and seaward of the ordinary high water mark, including the water surface and underlying lands.

C. Management Policies. – TBD

***19.30.250 Urban Aquatic environments.***

A. Statement of Purpose: The Urban Aquatic environment is to provide an area for water-dependent and water-related use adjacent to the Historic Urban Environment such as Port facilities and appropriate recreation uses while preserving the natural features and resources of Penn Cove from degradation.

B. Designation Criteria: Areas designated Aquatic Conservancy shall include those water areas under jurisdiction of the Act and within the boundaries or under the jurisdiction of the City of Langley that are adjacent to the Historic Urban environment and seaward of the ordinary high water mark, including the water surface and underlying lands.

C. Management Policies. – TBD

**ATTACHMENT A**

**SHORELINE MASTER PROGRAM**

**Sections:**

**Article I. General Provisions.....Error! Bookmark not defined.**

**19.30.010 TITLE.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.020 SHORT TITLE.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.030 OFFICIAL MAP.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.040 MANDATE, PLAN DEVELOPMENT, PURPOSE, GENERAL APPLICABILITY, BACKGROUND AND ANALYSIS/INVENTORY, AND RESTORATION****ERROR! BOOKMARK NOT DEFINED.**

**19.30.050 APPLICABILITY TO PERSONS.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.060 APPLICABILITY TO FEDERAL AGENCIES.****ERROR! BOOKMARK NOT DEFINED.**

**19.30.070 APPLICABILITY TO DEVELOPMENT.** **ERROR! BOOKMARK NOT DEFINED.**

**19.30.080 REQUIREMENT FOR PERMIT.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.090 EXEMPTIONS FROM SUBSTANTIAL DEVELOPMENT****ERROR! BOOKMARK NOT DEFINED.**

**19.30.100 APPLICATION FOR SHORELINE SUBSTANTIAL DEVELOPMENT, SHORELINE CONDITIONAL USE, OR SHORELINE VARIANCE PERMITS.****ERROR! BOOKMARK NOT DEFINED.**

**Article II. Definitions.....Error! Bookmark not defined.**

**19.30.110 DEFINITIONS.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**Article III. Shorelines of Statewide Significance.....Error! Bookmark not defined.**

**19.30.120 GENERAL.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.130 DESIGNATION OF SHORELINES OF STATEWIDE SIGNIFICANCE.****ERROR! BOOKMARK NOT DEFINED.**

**19.30.140 POLICIES GOVERNING THE USE OF SHORELINES OF STATEWIDE SIGNIFICANCE.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**Article IV. Goals and General Shoreline Use and Development Policies****Error! Bookmark not defined.**

**19.30.150 GENERAL.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.190 SHORELINE USE.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.170 ECONOMIC DEVELOPMENT.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.180 PUBLIC ACCESS AND PUBLIC SHORELINE VIEWS.****ERROR! BOOKMARK NOT DEFINED.**

**19.30.190 CIRCULATION.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.200 RECREATION.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.210 CONSERVATION.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.220 HISTORIC AND CULTURAL PRESERVATION.****ERROR! BOOKMARK NOT DEFINED.**

**19.30.230 SHORELINE RESTORATION.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

**19.30.240 ENVIRONMENTAL PROTECTION.** \_\_\_\_\_ **ERROR! BOOKMARK NOT DEFINED.**

19.30.250 FREQUENTLY FLOODED AREAS. \_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.260 CRITICAL AREAS. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

Article V. Designated Shoreline Environments .....Error! Bookmark not defined.

19.30.270 GENERAL. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.280 URBAN ENVIRONMENT. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.290 URBAN CONSERVANCY ENVIRONMENT.ERROR! BOOKMARK NOT DEFINED.

19.30.300 AQUATIC ENVIRONMENT. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.310 URBAN AQUATIC ENVIRONMENT. \_\_ ERROR! BOOKMARK NOT DEFINED.

Article VI. Use Policies and Regulations .....Error! Bookmark not defined.

19.30.320 INTRODUCTION. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.330 GENERAL REGULATIONS. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.340 AGRICULTURE. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.350 AQUACULTURE. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.360 SHORELINE MODIFICATION POLICIES AND DEVELOPMENT REGULATIONS.  
\_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.370 COMMERCIAL DEVELOPMENT. \_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.380 INDUSTRY. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.390 FOREST MANAGEMENT PRACTICES.ERROR! BOOKMARK NOT DEFINED.

19.30.400 MARINAS. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.410 MOORING BUOYS. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.420 PIPELINES AND PETROLEUM OPERATIONS.ERROR! BOOKMARK NOT DEFINED.

19.30.430 PORTS AND WATER-DEPENDENT INDUSTRY.ERROR! BOOKMARK NOT DEFINED.

19.30.440 RECREATION. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.450 RESIDENTIAL DEVELOPMENT. \_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.460 SIGNS. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.470 TRANSPORTATION FACILITIES. \_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.480 UTILITIES. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

Article VII. Variances .....Error! Bookmark not defined.

19.30.490 GENERAL. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.500 AUTHORITY. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.510 CRITERIA. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.520 PROCEDURE. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.530 DEPARTMENT REVIEW. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

19.30.540 CONDITIONAL USES DISTINGUISHED.ERROR! BOOKMARK NOT DEFINED.

19.30.550 RELATIONSHIP TO OTHER LOCAL REGULATIONS.ERROR! BOOKMARK NOT  
DEFINED.

Article VIII. Conditional Uses .....Error! Bookmark not defined.

19.30.560 GENERAL. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.570 AUTHORITY. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.580 CRITERIA. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.590 PROCEDURE. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.600 DEPARTMENT REVIEW. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.610 RELATIONSHIP TO OTHER LOCAL REGULATIONS.ERROR! BOOKMARK NOT DEFINED.

**Article IX. Revisions to Permits** .....Error! Bookmark not defined.

19.30.620 GENERAL. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.630 AUTHORITY. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.640 CRITERIA. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.650 PROCEDURE. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.660 EFFECTIVE DATE. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.670 APPEALS. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.680 RELATIONSHIP TO OTHER LOCAL REGULATIONS.ERROR! BOOKMARK NOT DEFINED.

**Article X. Nonconforming Uses and Developments** .....Error! Bookmark not defined.

19.30.690 GENERAL. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.

**Article XI. Administration** .....Error! Bookmark not defined.

19.30.700 GENERAL. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.710 STATE ENVIRONMENTAL POLICY ACT COMPLIANCE.ERROR! BOOKMARK NOT DEFINED.  
19.30.720 APPLICATION FEES. \_\_\_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.730 ENFORCEMENT AND PENALTIES. \_\_\_ ERROR! BOOKMARK NOT DEFINED.  
19.30.740 RELATIONSHIP TO OTHER PLANS \_\_ ERROR! BOOKMARK NOT DEFINED.

**ATTACHMENTS:**

1. AGENCIES AND AUTHORITY - TABLE 1
2. SHORELINE ENVIRONMENT DESIGNATIONS MAP – ATTACHMENT 1
3. TABLE OF USE CLASSIFICATIONS – ATTACHMENT 2

CC: City Council, Mayor, and Interested Parties