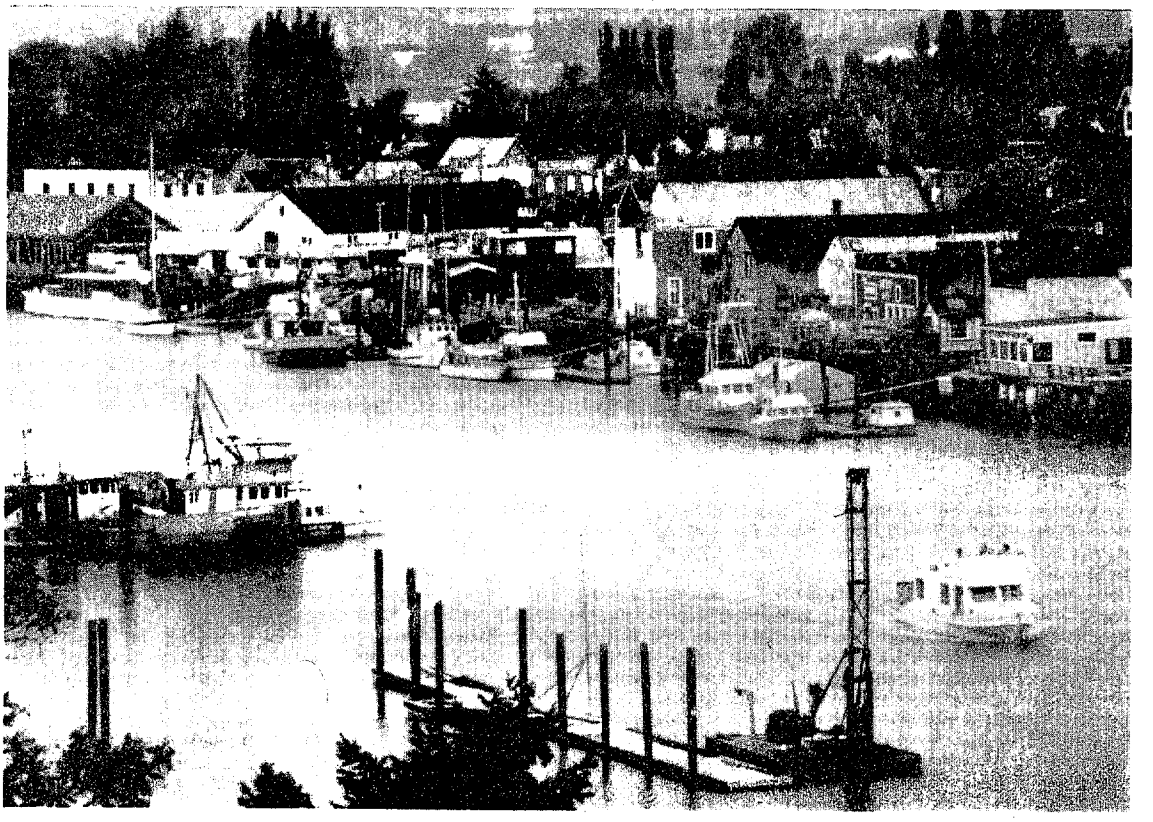
SHORELINE MASTER PROGRAM STUDY: ANALYSIS REPORT



Prepared for the Washington State Department of Ecology

By Nancy Fox and Susan Heikkala

With Keith Dearborn, Marc Hershman and Jens Sorensen

September, 1983

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U.S. DEPARTMENT OF COMMERCE NOAA
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Cover photograph by Marc Hershman

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I. STUDY BACKGROUND

This study was initiated by the Washington State Department of Ecology as part of a broad evaluation of the State's shoreline management program. It is one of four concurrent studies sponsored by the Department, including also a public access study, an analysis of wetlands management and a public perception survey.

The primary purpose of this study was to prepare a Shoreline Master Program Handbook which compiles the "best practices" from existing master programs to aid local jurisdictions in developing future amendments to their master programs. Most programs were developed and adopted close to ten years ago without the benefit of model programs or good examples to draw upon. As a result, the quality of these programs varies and many local jurisdictions are now working on amendments to improve and update their plans. The handbook will serve as a reference containing exemplary master program approaches and standards developed by local governments over the past ten years.

The project began with a survey of 30 local jurisdictions, designed to collect information on the strengths and weaknesses of existing master programs. The jurisdictions surveyed were selected to represent a complete range of shoreline types, jurisdiction sizes and locations in the state. A questionnaire was mailed to each jurisdiction, and responses were recorded during a subsequent interview, either in-person or by phone.

The results of the survey are contained in the Appendix to this report and are summarized in Section II. Many of the ideas expressed in the survey helped to shape our approach to developing the handbook. But the survey also raised a number of issues which went beyond the scope of the handbook. To gain a broader perspective on these issues, informal discussions were held with representatives of various groups concerned about shoreline management, including the State Associations of Cities and Counties, environmental groups, and development interests. These issues are discussed and general recommendations to address them are presented in Sections III and IV of this report.

Although this study focused on the content and use of existing shoreline master programs, one of its principal

findings was that shoreline master programs are only one element of an effective shoreline management approach. Dedicated and experienced staff, in-depth planning to address specific local management issues and a commitment to implementation were identified as equally important elements of a successful management strategy. Effective shoreline management also depends on a workable partnership between the state and local governments, a relationship designed to balance state and local shoreline interests. The ideas presented in this report are intended to stimulate discussion and consideration of some of these broader management issues.

II. SUMMARY OF SURVEY FINDINGS

The purpose of the survey was to find out from local governments how they had applied the required master program components, how well their programs are working, and whether any of their program standards might serve as examples for other jurisdictions. This summary highlights key survey findings, roughly in the order of questions presented in the questionnaire. The findings do not necessarily reflect the views of the project team, but rather represent a synopsis of the information and opinions offered by local planners in the jurisdictions surveyed. A complete listing of survey questions and the compilation of survey results is contained in the Appendix.

A. Regulatory Emphasis. The survey indicates that the primary and often sole purpose of shoreline master programs (SMPs) is to regulate shoreline development through the issuance of shoreline substantial development permits. Thus, environment designations and use regulations are the portions of the programs most frequently used. Policies in the master programs are generally used only if and when support is required on controversial permit applications or to aid in interpreting specific regulations.

B. SMP Organization. Organization of master programs varies. In most programs the regulations are organized around use activities, rather than the environments, to facilitate administration and minimize redundancies. However, there was no single dominant approach concerning the organization of the policies. This aspect of master program structure seemed to be determined in part by considering how to best relate the SMP to a jurisdiction's comprehensive plan and other local regulatory programs.

Jurisdictions with complex and extensive land development regulations often separate policies and regulations into separate chapters of the master program. The shoreline policies can then be inserted as a chapter of the comprehensive plan and the regulations become a chapter of the zoning ordinance. Where there is less planning complexity, jurisdictions often place policies and regulations in the same chapter of the SMP. The first approach facilitates overall planning integration;

the second makes it easier to understand the internal relationship of policies and regulations in the SMP.

C. Shoreline Environments. Considerable variation exists in the application of environment designations. The designations established in the Shoreline Management Act and the WACs seem to be limited in their usefulness in marine aquatic and urban areas. To bridge these gaps, many jurisdictions have established environments for aquatic areas or urban subcategories to better reflect local conditions. The design, application and use of the environment designations is one of the principal ways in which local jurisdictions have tailored the state program guidelines to serve the distinctly different needs and characteristics of local shorelines. Permissible uses by environment also vary widely between jurisdictions.

D. General vs. Detailed Regulations. Another SMP characteristic which varies considerably is the level of specificity in SMP regulations. The range is from very general regulations, which are similar to policy statements, to very detailed standards which may include specific numerical limits on size, bulk, etc.

Many planners feel that increased specificity makes program administration easier, more consistent and more understandable to the public. They frequently indicated that they would like to see more detailed standards in their shoreline master programs. In jurisdictions where public interest is high and shoreline development is often contested, local planners and elected officials seem to be more likely to invest the time and energy needed to develop detailed regulations.

However, other planners favored more general regulations offering maximum flexibility. This viewpoint was expressed by planners in jurisdictions with detailed regulatory programs and heavy shoreline development demands as well as those with less stringent shoreline programs and little public interest. Some planners pointed out that DOE's oversight role in the permitting process made them reluctant to lock themselves into very detailed, inflexible standards. Others noted that rigid standards tend to increase the need for variances to accomodate individual property conditions, thus

lengthening the review process for actions which are relatively minor in scale. Finally, some planners acknowledged that it would be politically difficult or impossible to obtain legislative approval of strict development standards in their jurisdiction; consequently, they feel they can achieve the best results through negotiation with each permit applicant based on general policies and regulations.

E. Factors Affecting Program Effectiveness. The effectiveness of shoreline management at the local level seems to depend as much on how well a SMP is used as on its actual contents. Shoreline planners indicate some of the most important factors influencing program effectiveness are data availability; staff expertise, experience working with the program and commitment to shoreline management goals; good working relationships between staff and the community; and the local political climate. Strong SMP standards cannot compensate for the lack of these other program assets.

F. Planning and Zoning Coordination. Almost all local planners stress the need for coordinating SMP regulations with zoning and other local development regulations to the extent possible. Except in a few cases where shoreline management preceded local zoning and comprehensive planning, local SMPs were established as an overlay to a jurisdiction's existing regulatory programs. While recognizing the role of the State in overseeing local SMPs, planners generally feel that their ability to effectively implement the shoreline program depends in large measure on how well shoreline regulations can be meshed with their other regulatory programs.

The best way to accomplish this integration seems to vary by jurisdiction. Tacoma, for example, has developed shoreline subarea plans which consolidate general land use policies and regulations with goals and plans for specific shoreline segments. Bellevue, on the other hand, has incorporated shoreline policies in its comprehensive plan and shoreline regulations in its zoning code, while Edmonds inserts its entire SMP in its comprehensive plan. In some cases, planners felt that their attempts to incorporate strong shoreline protection measures in city or county regulatory codes had

been hampered by DOE's insistence on keeping the SMP independent from other plans and regulations.

G. Inadequate Standards. Although use regulations are the backbone of master programs, the survey showed that most jurisdictions feel their use regulations lack adequate standards for many of the most common uses. Few jurisdictions felt their program should be used as a source of exemplary standards. They further indicated the lack of useful sources of technical information to help develop new or amended use regulations. Frequently cited areas of deficiency were bulkheads, landfills, setbacks for bluff development, dredge spoil disposal, water quality standards and visual design standards. Standards are essentially non-existent for certain uses such as small hydro facilities, dredge-mining and float plane moorage.

H. Exemptions. Some of the most significant management problems are caused by activities that are beyond the scope of a shoreline use regulatory program. Planners frequently cited problems stemming from the cumulative impacts of exempted single family residences and residential bulkheading, poor forest management practices, upland drainage problems and unregulated clearing and grading.

I. Small Towns. Small town waterfronts encompassed within county programs have a special set of planning needs which tend to fall through cracks in county SMPs. Most small towns are treated as blanket "urban" shorelines without special local guidelines and regulations. If the town is incorporated, it may administer the county program to suit its special needs. Unincorporated urban areas must compete for the county's attention with all the rest of the county shoreline. The scale of needs are entirely different, and county planning offices are seldom equipped (with staff or resources) to undertake small town waterfront studies. However, some towns have been successful in obtaining funding through DOE for waterfront studies to address special local problems; e.g., Langley, Coupeville, Friday Harbor and LaConnor.

J. Urban Waterfronts. Shoreline planners in large urban areas point out that urban waterfront issues are some of the most complex and tax the flexibility of the SMP. A single urban environment can not begin to address the

distinctly different characteristics of various urban waterfronts and, consequently, large cities have generally created several urban subcategories. Tacoma has developed "mini-plans" for specific segments of its shoreline. Seattle has established a series of urban classifications which are applied to specific segments of its urban waterfront, such as Lake Union and the central waterfront.

The intense competition between water-dependent, water-related and other uses which benefit from a water location complicate use allocation decisions. These decisions involve difficult tradeoffs between competing uses and between various segments of the urban waterfront, and often occur through a process of negotiation rather than through application of specific standards. Establishing a blanket requirement for water-dependent uses may be unwise, especially in central city waterfronts like Seattle's where there is a consensus in the business, industrial and economic community that this type of activity may no longer be viable. The problem facing these jurisdictions is when and where to set aside areas specifically for water-dependent uses, or whether to give preference to water-dependent uses but allow a mix of uses. Public access is often considered a trade-off with water-dependency, so that one or the other is required.

K. Shorelines of Statewide Significance. As a practical matter, there does not seem to be a significant difference between the management of Shorelines of Statewide Significance (SSS) and management of all other shorelines. Although the SSS are geographically identified, the identification of special resource values in particular areas is lacking. Furthermore, the definition of SSS blankets extensive areas and often seems unrelated to actual features. As a result, planners say they try to be "a bit more restrictive" when making management decisions for SSS but would like more guidance from DOE. Many planners note that the general priorities established for the use of SSS are essentially applicable to all shorelines.

L. Permit Process. Many shoreline planners indicate the need for a streamlined permit process to reduce the length of the process and eliminate unnecessary paperwork. They feel that in some cases the cumbersomeness

of the administrative process outweighs the potential benefits of more careful review. The added time required for DOE review and approval of variances and conditional uses was a particular concern. Many jurisdictions want to minimize these DOE approvals and have found ways to "condition" use permits through their own review and approval process, and thus avoid the conditional use or variance process.

M. Other Local Shoreline-Related Regulatory Programs. Most local jurisdictions have enacted a number of regulatory programs which are closely related to shoreline management but are not included in their SMPs, such as flood protection, zoning and sensitive areas controls. For administrative efficiency, these programs are sometimes included in the SMP if they apply only to the shoreline area. For regulatory programs which apply throughout a jurisdiction, such as a sensitive areas ordinance, most planners suggest referencing them in the SMP and/or discussing them in a user's guide, rather than incorporating them in the master program. Concern was expressed both by local planners and DOE staff about expanding the scope of DOE's shoreline management review to include other local regulatory programs as a result of incorporating them in the SMP.

N. State and Federal Regulatory Programs. Shoreline development actions often require other state and federal regulatory approvals, in addition to local permits. Where development proposals require permits from more than one agency, some planners noted that decisions are sometimes inconsistent with the SMP in spite of previous concurrence with program policies. In addition, they said there is often confusion over the appropriate scope of each agency's review.

III. ANALYSIS

Although the focus of the survey and analysis was on SMP content and use, other issues came to light that were beyond the scope of the handbook, often requiring some action by DOE rather than, or in addition to, local governments. These broader issues are discussed below. It should be noted that the following analysis of issues was not based on a comprehensive evaluation of the State's shoreline management program, but instead represents general conclusions reached by the project team during its review of the SMP survey findings. General recommendations to address these issues are contained in Section IV.

Handbook Approach

At the outset of the survey, the team expected to find common variations in the structure of SMPs adopted in cities vs. counties, urban vs. rural areas, Eastern vs. Western Washington, etc. While the survey did identify program variations based on these factors, the variations did not fall into standard prototypes. The size, location and level of development in a jurisdiction affect which uses occur most frequently and therefore which issues are considered most significant in the program. Variability in the programs seems to also be related to factors such as the jurisdiction's degree of planning sophistication, the local political climate and the level of expertise of planners responsible for initially drafting the master program.

Two significant areas of variability among master programs are the design and application of environment designations and the specificity of use regulations. These variations result from each jurisdiction's adapting the state's general, broad shoreline guidelines to specific local areas. In this sense, differences between the individual programs are inherent in the nature of Washington's program which establishes broad guidelines but gives local governments the responsibility to develop and administer SMPs. The ability to tailor master programs to the physical characteristics and management needs of local shorelines is a fundamental premise of the Shoreline Management Act.

For these reasons, the project team advised DOE to reject the notion of developing a "model" master program. Besides

the variability between jurisdictions, the team also found no basis for delineating "minimum" SMP standards different from those already established in the WACs. Instead, the team determined that a handbook which could serve as a technical resource manual would be a practical and useful tool for local planners and DOE. The handbook would contain a comprehensive set of master program standards which could be used as a reference for planners developing master program amendments. As the "state-of-the-art" advances, new tools and standards could, and should, be added to the handbook.

Need for Additional Shoreline Planning and Implementation Actions

Shoreline master programs have served a valuable function in establishing a regulatory framework to insure that special consideration is given to shoreline resources. By its very nature, however, a regulatory program which focuses on incremental development actions cannot adequately address certain shoreline issues, because it suffers from three major limitations. First, it cannot fully address the "systems" nature of shoreline resources and processes which extend beyond property boundaries, the 200-foot shoreline management boundary and/or jurisdictional boundaries. Second, the regulatory approach generally concentrates on standards to help a jurisdiction react to proposed development, rather than offering positive guidance concerning the preferred type of development. Finally, it does not offer a complete set of implementation tools needed to fully achieve shoreline goals.

Effective management of shoreline resources requires consideration of the full geographic extent of environmental units or systems that make up the shoreline environment -- including littoral process systems, watersheds, habitats, viewshed areas, etc. Plans that address only one of a system's many interdependent parts or a small, geographic portion are often ineffective and in some cases are actually counterproductive. For example, a poorly designed bulkhead which does not take into account the littoral drift system may in some cases actually accelerate shoreline erosion. Many local jurisdictions cite forest practices on lands outside the 200-foot shoreline area as the cause of water quality problems and the degradation of scenic values. Some shoreline development activity, such as breakwater construction, can lead to increased erosion or beach accretion far

beyond the site and should be considered within the context of overall shoreline processes.

Some of the most important goals of the Shoreline Management Act, such as provision of public access, require advance planning on a broader scale. Furthermore, public acquisition and other, more specific implementation techniques, such as waterfront development programs, are necessary in addition to the permit process. Such planning can help to streamline the development process by fine-tuning the range of preferred shoreline developments in addition to promoting shoreline objectives. One jurisdiction noted in the survey that its SMP standards would require, if interpreted literally, an individual property owner on a river to do the equivalent of a river reach study in order to build a bulkhead. If, however, the jurisdiction completed such an analysis in advance, it could provide clearer direction about the most appropriate protective measures for each stretch of shoreline and, at the same time, streamline the permit process for each applicant. Developers indicate that it is easier to work with a jurisdiction which has developed a positive view of the type of development, level of access, etc. desired on the shoreline, than to have to "reinvent the wheel" each time a new development is proposed.

Cities and counties which seem to be achieving the greatest success in shoreline management are those which have gone beyond the basic shoreline permit process to develop management plans addressing key shoreline features or problems in the jurisdiction and have tied these plans to specific implementation schemes. The City of Tacoma, for example, has used a variety of federal and state funding programs to accomplish the waterfront improvements called for in their Ruston Way plan. The City of Spokane has acquired some major properties along their river shoreline to accomplish the objectives of their riverfront design plan, in addition to requiring public access through shoreline substantial development permits.

A number of shoreline issues which have benefited from this management approach include public access, stream corridor and aquatic area management, shoreline erosion and visual resource protection. Many of these issues were those frequently cited in the survey as difficult management issues, not fully addressed through existing SMPs.

Resource management plans take a variety of forms, but generally follow some common principles. They begin with an identification of the problem and an inventory of the applicable shoreline resource or process. Next, goals are developed, alternatives considered, and a management scheme prepared in conjunction with a time-phased "action plan" to achieve results. Examples follow.

1. Public access plans generally include an inventory of available access points, a needs and opportunities assessment and the development of an acquisition program and other measures to achieve increased public access. These plans provide an overall framework which can be used to coordinate the access points established through individual permit actions, as well as guiding public acquisition and development. Port Angeles' Urban Waterfront Trail plan, Edmonds' Waterfront Development Plan, and Spokane's Waterfront Improvement Plan are examples of plans designed to promote enhanced public use and enjoyment of the waterfront. Kirkland was one of the first and most successful jurisdictions to develop a public access master plan which is used to guide the review of individual permits. A recent study completed by DOE, Public Access to Washington Shorelines Since Passage of the Shoreline Management Act: An Evaluation, discussses implementation techniques which local jurisdictions can use in securing public access.

2. Shoreline erosion studies have been completed to address the special problems of rapidly eroding shorelines which represent a hazard for new development and may threaten existing development. Understanding the specific causes (e.g., slope failure due to wave undercutting or poorly managed upland drainage) is critical to developing effective shoreline protection measures which will not have harmful effects on neighboring properties and use standards which ensure safe development. Whatcom County completed a littoral drift sector study which helped them to determine the appropriate location and design of shoreline protection measures for the Birch Bay shoreline. The Corps of Engineers completed a study at Oak Harbor which focused on low-cost shoreline protection measures, and this study may have value for other communities located on eroding shorelines.

3. Stream corridor or greenway plans. Yakima County

(Yakima River Greenway Plan), King County (River of Green) and Whatcom County (Nooksack River Study) have undertaken studies and developed inter-jurisdictional plans which treat important river stretches as hydrological, biological and/or visual resource systems. These plans represent multi-purpose efforts to provide needed flood storage, protect fish and wildlife habitat and increase public access to the rivers. Wetlands preservation also can be an important element. Such plans are often used to guide public acquisition and development programs.

4. Estuary/aquatic area managment plans have been developed to provide a balance between competing uses of aquatic areas, establish specific guidelines for protecting and managing a particular resource, and provide coordination between multiple jurisdictions. Examples include: the Columbia River Estuary Study, which is a bi-state effort; the Grays Harbor Estuary Plan, a comprehensive aquatic area management plan; and Island County's aquaculture study, which is designed specifically to address aquaculture resources. Many jurisdictions have indicated the need for management plans to determine appropriate locations for dredge spoils disposal, an issue which is often regional in scale and requires coordination of federal, state and local regulatory programs. Skagit County completed a dredge disposal site analysis for this purpose.

5. Visual resource studies and plans are designed to identify and protect special visual characteristics or features of the shoreline. Providing visual continuity or protecting the historic character of the man-made environment may be considered in addition to protection of views and scenic areas. For example, Coupeville is working to preserve its character as an historic waterfront through architectural design controls and through preservation of its historic wharf.

6. Integrated subarea plans. Some jurisdictions have undertaken a comprehensive planning approach integrating shoreline management with general planning and/or zoning for the waterfront. Such plans provide more specific management guidance than SMPs, seeking to balance competing demands for shoreline areas while identifying desirable public access locations and insuring protec-

tion of visual resources. Tacoma has developed specific shoreline plans (incorporating zoning) for each stretch of its shoreline, the most comprehensive of which are the Ruston Way Plan and the City Waterway Plan. Spokane completed an early Riverfront Development Program which was followed by a more recent North Riverbank Design Plan. Recent waterfront studies in Langley and Coupeville provide examples of small town efforts to develop coordinated plans addressing shoreline management, comprehensive planning, and economic development.

Need for Improved Impact Assessment Techniques

The survey indicated that many planners felt that their existing use regulations were barely adequate or clearly deficient. While improved standards are needed for some uses, many jurisdictions were concerned about the existing program criteria as a means of assessing actual development impacts; and that this may be as much or more of a problem than the standards themselves.

Many of the use regulations in existing SMPs rely on very general performance criteria relating to environmental impacts (minimize erosion, protect water quality, avoid adverse visual impacts, etc.) as a major element of permit review. Such standards offer the flexibility to consider and regulate a development proposal based on the specific nature of the project and its impacts. But these standards usually cover a wide range of highly technical areas and lack specific assessment guidelines, thus requiring a high level of staff expertise to evaluate impacts and identify workable mitigation measures. Staff capability and technical support in assessing project impacts are just as significant a factor as the actual standards included in a master program in determining overall program effectiveness. Thus, it appears that significant gains can be made by developing better impact assessment techniques as well as providing technical assistance to local shoreline management staffs.

Shorelines of Statewide Significance (SSS)

There was a general consensus in the survey that SSS have never been a meaningful designation in local SMPs. The problem is one inherent in the definition of SSS in the Shoreline Management Act and is not one that local juris-

dictions can independently resolve through their SMPs.

The concept of SSS in the Shoreline Management Act was designed to give special protection to shoreline resources of outstanding statewide value. However, the broad way in which this designation was applied offers little guidance for the management of these lands. It is often impossible to differentiate the value of SSS from other shorelines within a jurisdiction and, therefore, to apply different management standards. Although planners indicate they attempt to be more stringent in reviewing development projects in these areas, in the absence of different standards based on the identification of important resource values for specific areas, they risk accusations of arbitrary action.

In most cases there is neither a description of nor consensus on the specific resource value or statewide interest to be protected and, therefore, it is impossible to know what special standards should be applied. The use priorities in the Act are so general and so similar to the overall goals of the Act that they offer little guidance to local permit administrators. Furthermore, the definition of SSS in the Act excludes certain outstanding resource areas of statewide value, such as Dungeness Spit. This is clearly an area where local governments need additional state guidance, and legislative changes may be needed.

Major Facilities Siting

Shorelines of Statewide Significance were designed to recognize the special value of certain shoreline areas to the entire state, but they do not address development issues of statewide significance. The siting of certain major facilities such as massive maritime industrial developments, new port facilities in undeveloped areas and large scale marinas can create impacts and require tradeoffs far beyond the boundaries of an individual local jurisdiction. SMPs are primarily local in nature and thus are not well-equipped to address these issues. Although local planners did not raise significant issues related to major facility siting in the survey, a number of highly visible cases occurring in the past few years have raised public awareness of the problem (e.g., Chicago Bridge and Iron, Weyerhauser/Dupont).

The lack of any clearly defined state policy regarding the siting of such facilities has left local jurisdictions and DOE to respond on an ad hoc basis, leading to extremely

divisive political battles and threats to undermine the SMA itself.

Cumbersomeness of the Permit Process

There is mounting concern about the length of time and amount of paperwork and red tape it takes to get a shoreline permit. It was not clear in the survey, however, to what extent this concern is perceived to be a result of differences of opinion over permit decisions, is caused by related regulations such as SEPA, or whether there are in fact unnecessary hurdles and delays built into the shoreline permit process itself.

Perceived or real, this concern can be used to build a case for weakening the Shoreline Management Act through additional exemptions or other amendments. Any means to streamline the process without diminishing its effectiveness would tend to counter this pressure. Areas of concern frequently cited by local planners include conditional use permits and variances, which require state approval in addition to local review. However, DOE staff note that DOE is subject to a 30-day limit on review of conditional use and variance permits (WAC 173-14-130), and that permit delays most often result from local review procedures which are not subject to any time limits.

Overlapping Local/State/Federal Regulatory Programs

The overlapping jurisdiction of local, state and federal regulatory programs is a concern of both local governments and developers. It appears that in some cases state actions are not always consistent with local SMP policies and standards (e.g., DNR tideland leases and forest practices permits). The sheer complexity of understanding multiple-jurisdiction permit requirements is a problem for many planners as well as the public. Substantive conflicts between SMPs and state or federal programs need to be addressed in addition to coordinating permit procedures.

DOE's Changing Role

When the Shoreline Management Act was first adopted in 1971, local governments were charged with the responsibility of developing SMPs to meet the State's guidelines. DOE had the primary responsibility for regulating shoreline development until state-approved local plans were in place. DOE oversaw

the development of local plans and acted as the final review and approval authority.

The nature of shoreline management in Washington State has changed considerably over the past decade. With DOE approval of their SMPs, local jurisdictions assumed lead responsibility for administering the shoreline permit process. Needs have now shifted from initial program development to refinement of existing programs and going the next step to develop resource management plans or approaches addressing specific unresolved local and regional issues. (See discussion above, "The Need for Additional Shoreline Planning and Implementation Actions".) Yet many jurisdictions are reluctant to initiate SMP amendments to address program deficiencies, in part due to uncertainties associated with DOE's review of proposed amendments. DOE's attempts to apply higher standards to SMP amendments through the plan approval and shoreline permit review processes have often led to confusion and resentment at the local level; as a practical matter, this has contributed to the "static" nature of the plans, rather than promoting plan improvements. The lack of legal authority and/or political ability to actively initiate needed improvements in local plans leaves DOE frustrated in its attempts to promote upgrading of local plans.

These practical constraints resulting from the natural evolution of the shoreline management program over the past decade now require a rethinking of DOE's role. The most effective means of advancing the state of shoreline management today may lie in shifting DOE's role toward providing more technical assistance in those identified areas where local expertise or information is lacking, providing positive support for local governments' efforts to upgrade and implement their shoreline plans, and focusing state review on shoreline features and development issues of statewide significance. There will always be a need for state regulatory oversight, especially with respect to major development actions or actions affecting resources of statewide importance. But with respect to primarily local issues, there may be more mileage to be gained by assisting and supporting local governments, rather than attempting to "strong arm" them in the absence of the tools necessary to do so. At the same time, the analysis above indicates the need for increased state leadership in addressing state-level policy issues in shoreline management.

IV. RECOMMENDATIONS

The following are preliminary recommendations on the broader issues which emerged from the project team's analysis. The recommendations are general in nature and focus on suggestions relating to the State's changing role in shoreline management. They are intended to stimulate discussion and provide ideas for future direction. These ideas will need to be carefully evaluated within the context of limited agency staff and resources to determine the most effective actions possible toward meeting the State's shoreline management goals.

These recommendations should also be considered within the context of recent efforts to amend the Shoreline Management Act. While some changes in the Act are clearly needed, some of the proposed amendments may actually be symptomatic of broader issues as discussed in the previous section. Although individual issues may not appear to be significant, in combination they provide momentum for efforts to weaken the Act. Improvements in program administration will serve to reduce this pressure.

Use the SMP Handbook to Aid in Updating Local Programs

The Shoreline Master Program Handbook prepared as a part of this study should be used as a resource document to assist local governments in developing amendments to their SMPs. To remain useful, DOE should periodically update the handbook to include new approaches as they are developed and found to be effective. Further work should be completed to fill the identified gaps in existing SMPs, such as the need for better standards relating to small hydro facilities, dredge-mining, bulkheads, landfill, bluff development, dredge spoil disposal, float plane moorage and water quality impacts.

Support Local Planning Efforts

DOE should encourage and support local government efforts to develop functional, geographically-specific plans and implementation programs to better address specific shoreline management issues which are not adequately addressed by existing SMPs. DOE can provide technical assistance and provide and/or help local governments seek funds to undertake the necessary analyses and implementation actions.

Examples include planning to address: public access needs, shoreline erosion impacts, visual impacts of shoreline development, river and stream corridor management and estuary and aquatic area management.

DOE should also support local government efforts to refine local shoreline inventories to make them more useful as an ongoing planning and management tool, particularly with respect to the identification and mapping of associated wetlands.

Provide Technical Assistance

To the extent possible, DOE should provide technical assistance to local jurisdictions in developing management solutions to specific local problems, such as an eroding bluff or sedimentation of an estuary. At a minimum, many small jurisdictions need help identifying the exact nature of the problem and determining the type of specialist (e.g., geotechnical engineer, fish biologist) needed to assess the problem. In the future, DOE may want to consider proposing to the Legislature that some resources be shifted from in-house staff to funding for local governments to draw on in contracting for specific professional services. The interdisciplinary technical assistance team offered by the State Energy Office might serve as a useful model for DOE to consider in developing a technical assistance program. Under this program, local governments compete for the team's assistance through a bi-annual application and selection process.

Promote Training Programs

Training programs would be useful to keep shoreline administrators, designers, engineers and environmental analysts up to date on "state-of-the-art" shoreline management techniques. DOE, other state resource agencies or the state universities could sponsor short courses focusing on particular shoreline issues of widespread concern (e.g., bulkheads, bluff setbacks, public access, visual resource management). The approach to such courses should be highly practical, offering "how-to" methods of evaluating a project's impacts and improving project design, as well as providing guidance in developing better master program standards. Practical guides could be also prepared as a part of course development, providing a ready reference on planning, standards, design and impact assessment techniques for an

even larger audience. Another important benefit of such courses would be to foster interaction and communication among planners and other professionals in shoreline management-related fields.

A related suggestion is to encourage and assist in the development of a university curriculum in shoreline management. The program could lead to a degree or certificate in shoreline management, which would indicate a certain level of expertise and thereby serve as a useful job credential. DOE should work with the state colleges and universities to help identify the necessary skills and areas of expertise to be included.

Develop Model Drainage Ordinances

Shoreline impacts resulting from uncontrolled upland surface and groundwater drainage are a commonly cited issue. DOE should consider preparing model drainage and clearing/grading ordinances to assist local governments in dealing with these problems. Existing drainage codes in jurisdictions such as Bellevue and King County could provide a starting point for this work. The "adjacent lands reports" recently prepared by many local jurisdictions may provide a useful source of reference for documenting the scope of drainage problems and developing forms of technical assistance to help local governments.

Address Forest Practices

DOE should take the lead in working with the Department of Natural Resources and local governments to establish procedures and standards relating to forest practices to insure protection of shorelines and adjacent waters and consistency with local SMPs. King County's approach to coordinating with DNR may provide a good example of how this can best be accomplished.

Improve Working Relationships with Local Government

DOE should strive to build a better working relationship with local governments. Providing early input to local jurisdictions in their development of SMP amendments would help minimize the problems created at the local level when DOE attempts to modify SMP amendments following local legislative approval. Local planners also identify the need for more consistent state treatment of proposed plan amend-

ments. They suggest that DOE should seek broad, early review and input from local planners in developing any state program amendments (e.g., revised WACs). By emphasizing a support role with respect to local issues, providing more technical assistance as discussed above, and developing a greater understanding of local government planning and regulatory processes, DOE could build a more supportive constituency of local planners.

Clarify Overlapping Regulatory Programs

Some shoreline uses require several state and/or federal permits in addition to a local shoreline permit. The cumbersomeness and complexity of overlapping multi-agency reviews required for these uses was identified as a concern of local planners as well as developers. DOE could provide a valuable service in identifying the problematic areas (e.g., DNR tideland leasing and forest practices permits, WDF and WDG hydraulics permits) and take the lead in setting up an inter-agency working group to clarify responsibilities and develop streamlined permit processes. An in-depth analysis of a few cases where this problem has arisen would help to better define the issue and potential solutions.

Provide Leadership on Statewide Policy Issues

DOE should assume a leadership role in protecting shoreline resources of statewide value and addressing development issues of statewide concern (e.g., aquaculture, energy facility siting). Local governments presently lack the necessary information and guidance to effectively deal with these issues. Several steps are needed to move the state from a reactive mode to a more positive leadership role:

- An inventory should be prepared to identify specific natural features and resource values to be protected. Several inventories already completed by various resource agencies at the state and federal levels could be drawn from to quickly identify high priority areas. This analysis would provide the basis for DOE to propose, in the future, any necessary amendments to refine the definition of Shorelines of Statewide Significance in the SMA. In the meantime, critical resources which fall within areas presently designated SSS would be highlighted for special treatment, and DOE could focus its permit review in these areas.

- The next step would be to develop a set of practical guidelines for managing these areas and their specified resource values. In the long run, amendments to local master programs may be necessary to fully protect these features; in the short run, guidelines are needed to make sense out of the general SSS provisions in existing SMPs.

- DOE should continue to support inter-agency state/local shoreline planning efforts designed to achieve coordinated resource management plans which balance state and local interests. The Grays Harbor planning process should be evaluated and refined as a possible model for such planning, considering suggested improvements such as enhancing public participation in the process. DOE's recent initiative in the area of aquaculture may provide a model for the type of analysis and process needed to develop a workable state policy with respect to siting of major facilities on the shoreline.

- Shoreline resources which are deemed particularly valuable from a statewide perspective, and are relatively intolerant of development, should be considered for state acquisition.

Streamline Permit Process

To the extent possible, DOE should strive to streamline the review of shoreline proposals, including conditional use permits, variances and SMP amendments. DOE should consider differentiating and fast-tracking "minor" actions which do not raise significant policy issues, especially minor variances. Any improvements which can be made to shorten the permit process and make it less cumbersome will work to reduce mounting pressure for amendments to weaken the Shoreline Management Act.

APPENDIX

SHORELINE MASTER PROGRAM SURVEY RESULTS

A survey of 30 local jurisdictions was undertaken as part of the Shoreline Master Program Analysis. The purpose of the survey was to determine how well existing programs are working and to identify exemplary standards for inclusion in the Shoreline Master Program Handbook. The survey was not designed to provide a statistical sample or quantifiable results, but rather to gain a broad understanding of the nature of shoreline problems facing local jurisdictions and to gather ideas on potential solutions.

Thirty jurisdictions were included in the survey. The cities and counties surveyed were to represent a range of shoreline conditions, level of development, size of jurisdiction, and location in the state. The following jurisdictions were included:

Cities	Counties
Anacortes	Chelan
Bellevue	Clallam
Bellingham	Clark
Edmonds	Grays Harbor
Everett	Island
Kirkland	Jefferson
Longview	King
Poulsbo	Kitsap
Port Orchard	Pacific
Richland	Pierce
Spokane	San Juan
Seattle	Skagit
Tacoma	Snohomish
Kennewick	Spokane
	Thurston
	Wahkiakum
	Whatcom
	Yakima

A questionnaire was mailed to each city or county. Responses to the questionnaire were recorded during in-person interviews whenever possible; otherwise the interview was conducted by phone. Following is a compilation of the survey results.

SHORELINE MASTER PROGRAM SURVEY RESULTS

I. MASTER PROGRAM FORMAT

1. Which of the following best describes your program?

   a. Organization

   ___ The program is organized around Use Activities.

   ___ The program is organized around Environments.

   b. Structure

   ___ Policies and regulations are contained in separate chapters of the master program.

   ___ Policies and regulations are contained in the same chapter, but are clearly differentiated.

   ___ Policies and regulations are intermixed.

2. Of those options described above, which format alternatives do you think provide the best program organization and structure?

Organization by Uses or Environments

- In the majority of programs, the regulations are organized around Use Activities.

- In several programs, the regulations are organized around Environments, with King County being a prime example. Two programs (Clallam County and Thurston County) are now organized around environments, but they are proposing to change to a use activity organization because they feel this will promote program clarity and be easier to administer.

- A few jurisdictions place policies and regulations under both Use Activities and Environments. A matrix is used to identify permitted/prohibited uses by environment.

- A couple of programs have devised a totally unique organization which cannot be classified by either use or environment. In general, they find these organizations to be unworkble or cumbersome.

- Most planners surveyed indicated a preference for organizing the regulatory portion of the program around uses, and more programs are adopting this approach. The advantages are: it minimizes redundancies, thus enabling the use regulations to be more detailed; and it is easier to administer for the many development projects involving only one use. The disadvantages are: it is difficult to mesh with zoning which is geographically based. It also can be more difficult for the public to use because they generally expect to look up a property and then determine what can or cannot be developed at that location, rather than consulting one or more use activity categories.

- King County is one example where the environment organization seems to be successful. This may work best in jurisdictions containing distinctly different types of shorelines where management strategies are likely to be unique for each environment. The advantages are: one chapter of the program tells a property owner exactly what can be done on the property; unanticipated uses can be addressed by the general environment policies; and complex projects may be more conveniently handled since all pertinent use regulations are contained in one chapter. The disadvantages can be: redundancy of use regulations and, therefore, greater possibility for inconsistencies.

Structure of Policies and Regulations

- No single approach to organizing policies and regulations clearly prevailed.

- Many programs place policies and regulations in separate chapters of the program. In Bellevue and King County, for example, the shoreline master program policies are part of the local comprehensive plan, and the regulations are one chapter of the zoning ordinance.

- Many programs place policies and regulations in the same chapter of the program, but the two are identified separately, often in different sections.

- Kirkland and Poulsbo are examples of programs having no clear distinction between policies and regulations, and the entire program is treated as a regulatory document.

- Preference for one organization over another often depended on considerations of how to best relate the SMP to the comprehensive plan and other regulatory programs. For example, Bellevue's approach is designed to mesh with the city's comprehensive plan and zoning ordinance.

- Placing shoreline policies in the comprehensive plan and regulations in the zoning ordinance facilitates the integration of shoreline planning and local planning and regulation and is preferred by a number of jurisdictions. It is also easy to administer, but it can be confusing for the public to understand because of the physical separation of the program policies and regulations, as Bellevue noted. King County has solved this problem by publishing a separate SMP document in notebook format that consolidates the shoreline policies from the County comprehensive plan and the use regulation chapter from the zoning ordinance. Edmonds incorporates the entire SMP as one chapter of their comprehensive plan.

- Several jurisdictions noted the major drawback to separating policies and use regulations in different plan chapters or program documents is the tendency to overlook the policies in ongoing management decisions. Policies are generally used as an aid to interpreting the regulations, so it helps to have them close together.

- One integrated SMP document containing both policies and regulations is very workable for many jurisdictions. The program is clearly understandable to the public and reasonably easy to administer. However, maintaining the SMP as a separate document may hamper its integration with other local planning.

- Whether contained in separate chapters or not, some jurisdictions say there is a need to clearly differentiate policies and regulations. However, as a practical matter, there is often very little difference between the two: the wording is much the

same except the policies may use "should" while the regulations use "shall. Although in theory policies are considered to be more general than regulations, many SMP use regulations are based on performance standards keyed to the policies and thus the distinction can become artificial.

- Selection of the most appropriate program structure is affected by other characteristics of the jurisdiction -- planning staff skills and their experience with shoreline management, sophistication of people undertaking developments, etc.

- All planners rely heavily on the regulations for ongoing management. Many use the policies for backup or interpretation of the regulations. A few make little distinction between the two and use both equally, while some indicate they do not use the policies at all.

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3. Does your SMP include a "user's guide" or matrix to describe the program components and how the program fits within your overall local planning and regulatory system? If not, do you have separate public information bulletins or other material to serve the same purpose? Are these, or would they be, worthwhile?

- Few jurisdictions have a "user's guide" in their existing program, but many felt one would be a useful addition, especially to explain the relationship of the SMP to zoning. Most presently rely on over-the-counter discussions with applicants to identify all pertinent policies, regulations, and permits. These jurisdictions feel the personal contact is important to program success.

- Numerous programs use a matrix to relate permitted uses to environments.

- Bulletins describing the permitting process are useful in many jurisdictions, including Tacoma and King County. A number of programs include diagrams

of the permit process, including Island County, Everett, and Snohomish County, which appear to be helpful.

- Graphic illustrations of environments, shoreline features and use regulations are used to good advantage in some programs.

II. MASTER PROGRAM ELEMENTS

1. Does your program add or delete any of the elements? If so, identify and explain.

- The majority of programs use only the seven elements specified in the WACs.

- Of those jurisdictions that add elements, the most common additions are implementation and restoration (relating to cleaning up degraded shoreline areas or developments). Other additions include residential (King County), floodplains, and urban design (Tacoma).

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2. Were the elements developed specifically for the SMP or does the program incorporate directly or by reference policies from the comprehensive plan?

- Most often the elements were developed as brief, general goal statements to guide program development. Tacoma's and King County's programs contain more extensive elements.

- The City of Spokane prepared special studies and mapped most of its elements, e.g., public access.

3. What is the current function of the elements in your program? Do they provide general policy guidance for the SMP or are they used in making specific shoreline management related decisions? For example, are they used for any of the following:

____ Shoreline substantial development permits
____ Environment redesignations
____ SMP amendments
____ Building permits and other development approvals
____ Development of community plans
____ Development of capital improvement plans, plans for property acquisition, etc.?
____ Flood control permits
____ Other:

- The elements are not generally used for current shoreline management. When they are, they are most commonly used as policy back-up for permit decisions or other "hot issues". They continue to be valuable for this purpose, particularly in highly litigious jurisdictions.

4. Overall, how useful have the elements been in your SMP? How could the elements be more useful in shoreline planning and/or regulation?

- Some jurisdictions found the elements useful in guiding program development. Today, they focus on day-to-day management and primarily use the use regulations. Seattle suggests more geographic specificity is needed to make the elements useful.

- Several jurisdictions, including Bellingham and Spokane and Island counties, developed an agenda of additional actions needed to implement the goals

stated in the elements. Most often these were actions that could not be implemented through the application of use regulations alone (e.g., prepare a public access plan and acquisition/ development program).

- There is no demand for improving the elements to meet present planning needs.

III. SHORELINE ENVIRONMENT DESIGNATIONS

1. Designation process.

   a. What criteria were used to designate the environments? Were the criteria based on projections of future needs and desired shoreline character or were they based on conformity with existing shoreline uses? Were the criteria consistently applied.

- Existing use was a major criterion for environment designations in all cases.

- Most jurisdictions based the designations on a combination of existing and projected use, existing natural features, and community goals. Some based their designations almost solely on existing use.

- Most felt the designations were appropriate and based on the consistent application of the criteria. Inappropriate designations were frequently said to be a result of political battles.

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   b. Was the available data reliable and adequate?

- Available data was considered "adequate" in most jurisdictions. (Note: Many of those interviewed did not have complete knowledge of SMP history.)

- A number of jurisdictions prepared detailed studies or inventories to aid the environment designation process, including King, Kitsap, Whatcom, Cowlitz and Clallam counties.

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c. Do the environment designations and associated policies provide an effective tool for balancing the conservation of natural systems with the demand for new development?

- Most jurisdictions indicate the environments have been useful in balancing shoreline conservation and development. According to Seattle: "It's the best tool we have." Some noted that the classifications tend to favor conservation, leaving options open for future use of the area's shorelines.

- Many found it necessary to expand the four environments to better reflect shoreline character and management needs. The most common changes include:

  a. Adding an aquatic environment

  b. Creating intermediate environment/s between urban and rural, such as urban residential, suburban, semi-rural, or rural residential.

  c. Creating subcategories within the urban environment.

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2. Shoreline designation maps.

   a. What is the mapping scale?

   b. Is the scale large enough so it is possible to find individual properties?

- There is great variation in map treatment. Some program documents do not include maps; some program maps are highly generalized while others are more specific and drawn along property line boundaries, some include legal descriptions.

- Often the map in the program document is schematic and an official, more detailed map is kept at the planning department. However, there may be inconsistencies between the various versions. (Island County noted that DOE adopted the program document and hence the very generalized map it contained making this the official version, not the more precise map in the planning office.)

- Because of the differences between program documents and planning department maps, mapping scales vary. Commonly cities use scales ranging from 1"= 200' to 1"=2000' and county mapping scales range from 1"=200' to 1"=2 miles, with 1"=1 mile being the most common.

- Generally, lack of map precision has not been an issue for the jurisdictions. If a question arises, the planning director's interpretation prevails. However, the lack of an easily available, clear and consistent map has, in some cases, been a problem for property owners using the programs.

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3. Shoreline redesignations.

   a. Do you have an established process for considering requests for environment redesignation?

   b. Do you use any criteria in addition to the definitions of environments when evaluating requests for environment redesignation. Do the criteria provide for consistent, predictable decisions?

   c. What data is used when evaluating proposed environment classification changes (e.g., Shoreline Inventory)?

- Very few jurisdictions have had requests for environment redesignations and most do not see this becoming an issue. Several jurisdictions have initiated some redesignations to rectify errors or previous inappropriate designation decisions.

- Treatment of a redesignation request varies. Some jurisdictions, notably King, Pierce, and Skagit counties and Anacortes, do have a separate process for redesignations. Others would process a request as a SMP amendment and a number would follow a rezone process. A few would treat it as an amendment to the comprehensive plan.

- In addition to using the existing environment designation criteria, a number of jurisdictions said they would look for evidence of changed conditions in evaluating a redesignation request.

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4. Have you experienced any problems in applying the environment designations to aquatic areas? In your opinion, what is the best approach?

- The survey results indicate there is no single "best approach" for treating aquatic areas.

- Some jurisdictions extend upland environments out into the water, which is administratively clear, but creates a number of disadvantages. The environments are usually defined on the basis of upland shoreline characteristics and offshore the distinctions often do not make sense. Other problems include: use standards may not give adequate consideration to offshore impacts; offshore environment boundaries can be difficult to determine on embayments or convoluted shorelines; and some use activities cross more than one environment yet should receive uniform treatment.

- Several jurisdictions use one of the four environments (usually "conservancy" or "natural") to

designate all offshore areas or specific segments, such as a valuable bay or wetland. Kitsap County uses this approach and feels it works well, as do Edmonds and Seattle.

- Those jurisdictions that have created a separate aquatic environment are very satisfied with this approach. Geographic definitions of the environment vary. For example, upland and aquatic environments overlap in the intertidal area in Jefferson County to respond to the special sensitivity of these areas. Thurston County has two aquatic environments -- one from the uplands to the 10 fathom contour and another from 10 fathoms seaward.

- Many jurisdictions said that the addition of an aquatic environment would be useful, although not all felt it was needed in their area.

- Some jurisdictions, like King County, do not feel an aquatic environment is necessary because of the character of the shoreline (high bluff) and almost exclusive residential use demands.

- Some jurisdictions lacking an aquatic environment feel that aquatic management issues can be adequately addressed through the use standards for clearly offshore uses, such as aquaculture.

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5. How well does your program meet state objectives for managing Shorelines of Statewide Significance? have you developed additional criteria or special interpretive policies? Is the use priority system applied effectively? If not, what improvements would you recommend?

- Most jurisdictions use only the WAC criteria in managing Shorelines of Statewide Significance.

- As a general rule, jurisdictions try to be a bit "more restrictive" in managing SSS. But in

reality, they said there is no practical difference in the treatment of SSS and other shorelines. Tacoma is the one exception. Separate area plans have been developed for the two SSS there.

- A number of jurisdictions said the DOE needs to play a stronger role in defining the statewide values to be protected in these shorelines and also identify more precise management approaches and/or performance standards to protect these values.

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6. How well does the "urban" environment designation address the needs of urban areas in your jurisdiction?

- Jurisdictions, particularly cities, with extensive or complex urban waterfronts often found it necessary to add additional urban environment categories to accommodate the different shoreline conditions and management needs. (Spokane, Seattle, Anacortes, Bellingham, Whatcom County, Everett, etc.) This was a factor influencing Tacoma to take the "area plan" approach when developing their program.

- Other jurisdictions rely on the underlying zoning classifications to provide needed refinement in urban areas.

- Most counties found the urban designation adequate to deal with their urban shoreline management issues.

- Kitsap County indicated that more detailed planning would be helpful in small, unincorporated cities within rural counties. Thurston County indicated that more detailed waterfront planning is also needed for some incorporated cities in rural counties.

7. Does your program go beyond the designation of shoreline environments to include specific goals, policies and/or regulations for segments of the shoreline with special natural or development features (e.g. area management plans)? Are there portions of your shoreline for which this would be useful?

- Few jurisdictions have developed special area plans, although some felt they would be useful on urban waterfronts with multiple use demands or rural areas characterized by competing resource values (e.g., Olympia's central waterfront or the Lewis River in Clark County).

- Many jurisdictions apply a "natural" designation to particularly valuable or fragile natural areas, and find this approach provides adequate protection and management guidance.

- Both Tacoma's and the City of Spokane's programs are organized around a series of area plans and find this approach works very well. It has facilitated the implementation of public improvements. Tacoma is now developing Ruston Way and Spokane is developing its North Riverbank corridor for public use and access.

- Some other programs that have developed plans or special policies for specific areas include: Island (aquaculture), Grays Harbor County (estuary), Poulsbo (high banks, smelt spawning area, estuary), Everett (Jetty Island), and Yakima County (Greenway Plan).

- Note on Use Regulation Chart Many jurisdictions added one or more use categories to their program so they could better manage the types of development activities occurring on their shorelines. Common additions included: boat launches, log storage and rafting, education and scientific institutions, petroleum facilities, effluent disposal and others.

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2. Describe the improvements needed for each of those use activities identified in 1(c).

- Almost without exception, where problems with use regulations exist they are due to the lack of adequately detailed performance standards. However, jurisdictions with strong shoreline staff capability and a supportive administrative/legislative body often prefer more flexible standards.

- Some particular problem areas include:

  a. Bulkheads: lack of design and construction standards; no definition of when and where appropriate; lack of attractive alternatives; no standards to evaluate impacts on neighboring properties.

  b. Commercial development: Better definition and standards for water dependency and better urban design standards.

  c. Utilities: Need for standards on small scale hydro projects.

  d. Better public access standards generally.

  e. Better standards for: marinas, dredging (and spoil disposal), landfill, piers and other shoreline protection measures.

f. Forest practices: Need for standards which will adequately protect stream corridors. Implementation/enforcement is a problem.

g. Signs: Need for workable design criteria.

- Several jurisdictions noted that requiring permit renewal every five years for ongoing use activities (i.e. dredging, gravel extraction) is not necessary unless the scale or area of operation has expanded.

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3 Describe the use policies or standards identified in 1(e) as good examples.

- Few jurisdictions offered specific examples from their program as exemplary standards. If the program works well, they often attribute success as much to staff capabilities and experience with shoreline management, program flexibility to condition uses on a case by case basis, and a good working relationship with the general public.

- Some good examples included:

  a. Public access requirements are working well in Kirkland, Spokane, Tacoma, and Edmonds, and Yakima, King and Skagit counties.

  b. Development on bluffs is receiving explicit treatment in Jefferson and Whatcom counties and Everett.

  c. King County is finding a workable approach for conditioning timber harvesting near shorelines.

  d. Wahkiakum has developed standards for dredge spoils disposal through the CREST Study that are clear to administer.

  e. Definition of water dependent uses is good in Everett's and Seattle's programs.

f. The treatment of residential uses -- sometimes a problem because of exemptions -- is working in King, Pierce, and Skagit counties.

g. View protection is considered in Seattle's program.

h. Bulkhead standards were noted in Pierce, and Skagit counties and Bellingham and Seattle.

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4. What policies or regulations could be added to address issues or problems not presently addressed in the program? Could some be dropped?

- The following issues were frequently mentioned as needing management standards: dredge spoil disposal, small hydropower facilities, development on bluffs, boat launches, clearing and grading, and upland drainage.
- Some jurisdictions said better general standards and regulations were needed for public access and visual access.
- Others noted occasionally include: paths, trails and stairs, fences in water, weed control, boat houses and boat launching railways.
- It was recommended that the archaeological and historic standards should be treated as general regulations applicable to all uses.
- There were few recommendations for category elimination. Agriculture, forest practices, and railroads were each noted once.

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5. Do the use regulations clearly specify permissible and non-permissible uses?

- Use permissibility is usually identified in the text of the regulations or a use/environment matrix.

- Some jurisdictions indicated that use matrices can be misleading because there are often extensive conditions applied to even permissible uses.

- Many jurisdictions indicate their programs do not clearly distinguish permissible and non-permissible uses: the range of uses covered by one use category is not always clearly defined and often non-permissible uses are not identified.

- In order to provide greater program flexibility, some jurisdictions initially made many uses conditional in the various environments. However, these jurisdictions now feel that for most uses local review is sufficient and DOE review unnecessary; they therefore would like to reduce the number of uses requiring conditional use permits.

- Some programs do not include a prohibited use category and its absence has caused problems for a few jurisdictions. In Island County, for example, Northern Tier successfully argued that offshore pipelines were unclassified and therefore conditional uses since they were not specifically prohibited by the program. Island County has since modified the program.

- To streamline the permit process and provide clarity, several programs, including Kirkland and Jefferson County, have developed a hierarchy approach that defines primary, secondary, conditional, and prohibited uses. Primary uses are permitted outright while secondary uses may be subject to local jurisdiction imposed standards or more stringent review.

- Tacoma has amended their program to clearly specify permitted, specially conditioned, and prohibited uses as a result of the lack of clarity in the original program.

6. Does your SMP contain special management policies or use regulations for developments affecting unique natural systems, such as spits and bars, dunes, high bank or bluff shorelines, or highly eroding shorelines?

- Most jurisdictions do not contain special policies or regulations for natural systems and, in most cases, do not feel they are needed. (A number of Puget Sound jurisdictions noted the need for standards related to shoreline erosion and bluff development elsewhere in the survey.)

- The City of Spokane's program contains regulations pertaining to development affecting unique natural systems. Several other jurisdictions have development standards for specific natural areas, such as Clover Island in Kennewick and Mercer Slough in Bellevue.

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7. Are there any good sources of information for local governments to use in developing shoreline use regulations?

- Few good sources of information are known or used by most local jurisdictions. Many rely almost entirely on the WACs.

- Some jurisdictions indicated they use guidelines from other state agencies, such as the Department of Fisheries. Other sources of information noted several times included the Coastal Resources Program at the U.W., other local programs, or local colleges.

- Snohomish County suggested that E.I.S.s for major development projects provide a wealth of infor-

mation for localized areas. Some of the information and analysis can be applied to other similar projects.

- Some jurisdictions turned to other western states or states such as Michigan who have experience with the issues of erosion and shoreline protection.

- ASPO's report on performance zoning was also noted.

V. PROGRAM ADMINISTRATION

1. Have there been any administrative rulings in your jurisdiction to clarify or supplement your SMP?

- Only a few of the jurisdictions surveyed have made formal rulings to supplement their programs.

- Where rulings have been used, it has often been to clarify exempted activities (e.g., short plats which do not involve any site improvements) or provide definitions of terms. Otherwise there are no common themes among the rulings in the various jurisdictions.

- The procedure for recording these rulings or interpretations varies. The Thurston Regional Council keeps a notebook of rulings at the zoning counter. Most jurisdictions at least keep a file on major interpretative rulings. Other jurisdictions make rulings on a case by case basis which become standardized over time (e.g., "folk law" in Jefferson County).

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2. Are any SMP revisions planned or in progress? Describe any proposed amendments that have failed to be approved.

- A number of jurisdictions have some program revision underway, often prompted by management or administration problems such as the need for greater use regulation specificity or program reorganization. Other revisions have been motivated by specific development proposals.

- Four counties surveyed are in the midst of complete program revision. Both Clallam and Thurston counties are changing from an environment to a use organization format to streamline their programs. Clallam County is also using the revision process to clarify permitted uses. Jefferson County is making a number of housekeeping changes, cleaning up their program organization, adding a matrix linking uses and environments, and incorporating illustrations to clarify some aspects of their program. They are also adding residential setbacks and an aquatic environment. Island County is only in the first phase of their revision process.

- Seattle has just adopted a series of housekeeping amendments to their SMP and working on more comprehensive program changes. Everett is proposing zoning revisions for their marine central waterfront and mixed use development plans along the river to better address public access issues.

- Most of the other planned program changes will expand or fine-tune some use activity regulations (e.g., Snohomish County is revising several use categories; Kitsap County has proposed new aquaculture regulations; and Tacoma has adopted new sign standards).

- Grays Harbor County is a major participant in the intergovernmental Grays Harbor Estuary Study. If approved by all participant agencies, this management plan would be incorporated in their SMP and guide all future county management decisions for Grays Harbor. Some consider this a potential prototype for cooperative management of areas with valuable, competing resource development demands.

3. Within your jurisdiction, what department/office is responsible for:

   a. Shoreline planning _____

   b. Shoreline Master Program amendments, redesignations, etc. _____

   c. Substantial development permits _____

   d. Environmental review of shoreline permits _____

   e. Enforcement _____

   How well coordinated are these activities?

- The planning department has responsibility for all enumerated functions in close to half of the surveyed jurisdictions. In other cases, it was common for the building department to have responsibility for permitting and environmental review. The enforcement procedure usually involves the prosecutor's office as well as the planning and/or building department.

- No jurisdiction indicated it had any major coordination problems. In fact, most felt these activities were well-coordinated.

- A regional governmental council prepared the SMP in Thurston, Clark and Cowlitz-Wahkiakum counties. Participating local governments (e.g., Olympia and Lacey in Thurston County) are responsible for SMP permit administration using the regional program. Other incorporated cities that have adopted their county program (e.g., Coupeville in Island County or Port Townsend in Jefferson County) also administer permits within the framework of the county SMP. The regional jurisdictions were satisfied with this management approach. (Note: The survey did not include a representative sampling of cities that use regional or county SMPs to deter-

mine if this approach is workable from their point of view.)

- Most jurisdictions said their small staff size made coordination of shoreline planning and permitting activities relatively simple. Often the same person was responsible for both activities.

- Although not a survey question, some jurisdictions said that the permit approval process affects the effectiveness of the SMP. In one case, the Board of County Commissioners acts on all SSD permits. The planners feel this structure coupled with a program that has weak standards, encourages political instead of sound management decisions.

- Jefferson County is one jurisdiction that has formally established an elected Shoreline Advisory Commission to advise on all secondary and conditional use permits. They feel this intermediate step of "peer review" has been extremely useful in promoting good management decisions by the County Board.

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4. Does the shoreline planning office have authority to review other local permits for proposed activities within the shoreline (e.g., building permits, plats)?

- In most jurisdictions the shoreline planning office does review other permits for activities in the shoreline area. Review is usually coordinated by the planning department. In some cases the building department coordinates the review.

- Some jurisdictions said they do not review single family building permits, flood control permits or forest practices permits.

- Frequently the same staff person is responsible for all local permit review which helps insure that shoreline considerations are covered.

- Several programs contain regulations mandating that other permits be consistent with the SMP including King and Snohomish counties.

- Seattle and Longview have master use or "one stop" permit procedures which promote coordination.

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5. Enforcement provisions in the SMP.

   a. How is your jurisdiction organized and empowered to enforce the SMP?

   b. Are there any provisions of your SMP which are difficult to enforce? If so, what are the most common enforcement problems:

      ___ Development occurring without required permits
      ___ Lack of compliance with permit conditions
      ___ Development activities exempt from substantial development permits
      ___ Staffing shortage
      ___ Other

   c. Are civil penalties established for permit violations?

- Although programs contain enforcement procedures and civil penalties as required by the SMA, their administration varies as does their effectiveness. Some jurisdictions are empowered to directly issue a ticket or stop work order for violations while others must go through court proceedings. Few jurisdictions will go to the trouble of enforcing the program if it requires a court process as shoreline issues are generally considered a low priority. Several planners noted the lack of judicial understanding or support for shoreline enforcement actions.

- Some jurisdictions that can issue stop work orders do not issue them often since enforcement is not politically popular. "Ticket writing" power for planners is touchy politically.

- Tacoma, Edmonds and Everett indicated they have no major enforcement problems.

- The most commonly noted enforcement problem (for over half of the jurisdictions interviewed) is development occurring without a permit. Landfill and bulkheading are among the most common activities. These problems are often associated with single family development.

- There are some problems with permit compliance. The lack of an adequate site inspection staff makes permit requirements difficult to enforce. Only one of the jurisdictions had a shoreline inspector and they may lose this position with upcoming budget cuts. If shoreline enforcement is located in the building department, it usually takes a back seat to other building and site inspection responsibilities.

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6. Other planning and regulatory programs.

   a. Which of the following have been adopted by your jurisdiction:

      ____ Comprehensive plan
      ____ Other plans - transportation, recreation, capital improvements, etc.
      ____ Neighborhood plans
      ____ Zoning ordinance
      ____ Subdivision ordinance
      ____ PUD ordinance
      ____ Grading ordinance
      ____ Building permit
      ____ Floodplain development regulations
      ____ Sensitive areas ordinance
      ____ Others:

   b Is the SMP consulted in making decisions regarding any of these activities? Is conformance to the SMP required? Are there specific procedures to insure consistency?

- It was common for jurisdictions to have all the enumerated programs as well as some others. Frequently missing programs were neighborhood plans, a grading ordinance or a sensitive areas ordinance. Many mentioned that the lack of a drainage ordinance and a clearing and grading ordinance were problems.

- For some rural jurisdictions, like Pierce and Clallam counties, the SMP was the first planning program of any kind and is still one of the strongest existing regulatory programs.

- Most jurisdictions felt all these activities were well coordinated with the SMP. Coordination is facilitated in jurisdictions with small staffs sharing responsibility for all development permits. In Clark County the SEPA review process serves the same purpose. Seattle did note possible conflicts caused by the split planning responsibilities of DCLU, the land use permit/regulatory agency, and the LUTP, the agency responsible for city planning.

- Both Snohomish and King counties' programs requires that all other permit decisions be consistent with the SSD permit before permit issuance.

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c. How should the SMP be integrated with other related development standards and regulations (e.g., floodplain regulations, sensitive areas ordinance):

____ Incorporate them by reference
____ Include the actual standards in the SMP
____ Keep them separate, but reference them in a users' guide
____ Other

- Some jurisdictions felt standards should be kept separate but referenced in a users' guide. However, this requires coordinating separate docu-

ments which can be more cumbersome to administer and difficult to explain to the public.

- Others felt that other shoreline-related programs should be incorporated by reference for clarity. A noted disadvantage of such an approach is that any minor amendments to these programs would require DOE approval.

- Some noted that it is inappropriate to incorporate jurisdiction-wide programs in the SMP, but programs specific to the shoreline may be included.

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d. How well has shoreline planning been coordinated with planning for adjacent lands? Do specific use conflicts remain; e.g., public access, habitat protection, drainage, etc.? (If appropriate, reference adjacent lands report.)

- Most jurisdictions felt that the SMP was reasonably well coordinated with upland management.

- Some said that the current shoreline management framework is inadequate to deal with broader resource management issues, frequently mentioning drainage from upland uses, clearing and grading, timber harvesting and rivershed management.

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6. Coordination with zoning.

a. Shoreline environments are established as:

____ An overlay to existing zoning, with the shoreline standards prevailing in case of conflict.

____ An overlay to existing zoning, with the most restrictive code prevailing in case of conflict.

___ Special shoreline zoning classifications are established.

___ Other, explain.

b. Is this a workable administrative approach? If not, what would you prefer?

- In almost all cases, the shoreline standards are applied as an overlay to existing zoning, with the most restrictive standard prevailing if a conflict arises. This seems to be a workable approach as long as it is clearly explained to the public.

- Tacoma and San Juan County establish separate zoning classifications along the shoreline and this approach is being considered in Kirkland and the City of Spokane. Tacoma divides its shoreline into segments, and individual area plans are developed for each, including a locational description, statement of intent, an environment classification, height limits and setbacks, and permitted uses. Local zoning is coterminus with these "environments". Tacoma feels this approach is successful in part because of the steep bluffs that are located close to the 200' line and the city's long standing history of industrial development along this waterfront strip.

- Some said the disadvantage of establishing separate shoreline zones is that it would require the creation of many new zones and be impractical to administer, particularly since the inland 200' line seldom represents a logical boundary.

- Seattle's program is more complex: The environments and bulk regulations are treated as overlays to zoning with the shoreline standards superceding in the event of a conflict. However, for other use regulations the most restrictive applies.

- Several counties do not have zoning. The SMP is the closest equivalent to zoning in Jefferson County.

- Most jurisdictions feel their management approach is understandable, workable, and adequately inserts shoreline concerns in the land use decisionmaking process.

- Several jurisdictions said the shoreline overlay should contain only those standards specifically pertaining to the shoreline, leaving all other regulations in the underlying zoning.

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7. How well is your SMP coordinated with the programs of the neighboring local government(s)? Have any interjurisdictional issues arisen?

- No major problems were noted here. Either there had been few interjurisdictional management issues or planners felt coordination worked well. Some planners noted projects that overlapped jurisdictional boundaries but said they worked closely with the neighboring government in the review process.

- DOE, Pierce and Kitsap counties are jointly studying a water quality management issue affecting Burley Lagoon which may have implications for both the issue of drainage and intergovernmental coordination.

- Wahkiakum County felt that planning management along the Columbia River should be more comprehensive in scope -- encompassing all activities affecting the river regime from the mouth inland to the Gorge.

- The Grays Harbor Estuary Management Plan and the CREST Study represent major efforts to establish regional planning. It is too early to evaluate their success. The Grays Harbor plan is still in the EIS process. Wahkiakum County withdrew from the CREST Study because they felt it was becoming

an additional layer of government and losing sight of the original goal to protect the interests of the fishing industry. But Wahkiakum also said that CREST would be an appropriate vehicle to address larger management issues along the Columbia River.

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8. What other agency policies, plans and permitting affect the use of your jurisdiction's shoreline:

   ____ DNR tideland leasing
   ____ DNR forest practices
   ____ DOE dredge and fill permitting
   ____ WDF and WDG hydraulics approval
   ____ Other

   Have those activities or actions been administered consistently with your SMP? How has your SMP contributed to this coordination?

- Almost all jurisdictions are affected by one or more of the specified permits. Many felt these permits are administered consistently with their program.

- There were some notable exceptions:

  1. DNR was cited for not enforcing its own timber harvesting standards, both in and out of the shoreline area, by Clallam, Pierce, Jefferson, and Thurston counties. King County is beginning to have success in coordinating with DNR through a combination of program standards, a little used interlocal agreement clause in the Forest Practices Act and improved interagency staff relationships.

  2. WDF was criticized for issuing hydraulics permits prior to notifying the affected local government as well as not informing the applicant that a SSD permit is needed. In Everett the WDF denied a permit application which was determined by the City to be con-

sistent with the SMP citing inconsistency with the approved SMP.

3. Seattle SMP policies have come in conflict with DNR tideland leasing policies on the central waterfront where DNR gives greater preference to water-dependent uses than does the adopted SMP. In another instance in Seattle, DNR approved the transfer of a long-term tideland lease which was not consistent with the SMP.

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9. Shoreline Substantial Development Permits.

   a. Have you experienced problems as a result of activities exempt from shoreline permits? Explain.

- Exempted uses causing management problems in a number of jurisdictions include:

  1. Single family residences and accessory bulkheads.

  2. Clearing and grading

  3. Timber harvesting

- Unrestricted single family home construction is consuming limited shoreline area and changing the character of formerly undeveloped shorelines as well as precluding other uses. In addition, construction practices do not always conform to the general SMP standards. (Some jurisdictions do not apply SMP standards in building or other permit review.)

- Indiscriminate clearing and grading and poor timber harvesting practices accelerate erosion and degrade water quality.

- Several jurisdictions felt the dollar thresholds for docks/piers and other construction are now too low and could be tied instead to the size of the area affected, specified uses or other criteria which would free the standard from the fluctuating dollar.

- Some jurisdictions wanted additional uses exempted from the SSD permits, particularly minor additions to existing structures and routine equipment installation. (Poulsbo called a public phone a "navigational aid" in order to avoid the permit process.)

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b Does your program expand upon the state guidelines by defining specific classes of conditional uses or adding performance criteria? Would this be useful?

c. Does your program expand upon the criteria contained in the state guidelines for evaluating variance requests? Would this be useful?

- Almost all jurisdictions rely on the conditional use and variance criteria contained in the WACs.

- Seattle's SMP does contain additional criteria but they are not used and the city wants to eliminate them.

- Several noted a problem with confusing terminology A conditional use in the local zoning ordinance is not the same as in the SMP and this is often confusing to the public.

- A number of jurisdictions want to reduce the number of conditional uses in their program to minimize time delays due to DOE review.

d. Have there been any changes in your SMP as a result of permit decisions by the Shorelines Hearings Board?

- There have been few program changes as a result of SHB decisions.
- Several local governments said they would look at past decisions and any implications for program amendments when they initiate a plan update.

10. DOE periodically amends the permit WACs. How should the problem of maintaining consistency between the WACs and local SMPs be handled?

- Many local governments emphasized that DOE should work more closely with local governments thoughout the amendment process. This is needed to ensure that the regulations are responsive to local management concerns and to maintain good intergovernmental working relationships.
- Several jurisdictions stated that the local programs should be reviewed in-house and demonstrate consistency with the new WACs. If there are inconsistencies appropriate changes should be made at the time of a regular program update.
- Some felt that DOE should take the responsibility for identifying inconsistencies and needed changes in local SMPs that result from WAC revisions.

11. DOE often gives conditional approvals to SMPs and amendments. How do you incorporate DOE's conditions in your SMP?

- Few of the surveyed jurisdictions have dealt with conditional approvals. Those that had said such approvals caused them serious problems because: their programs were placed in an uncertain legal status; partial approvals threw delicate local compromises into disarray; it was difficult to take minor changes back through the legislative review and approval process; and, if not formally adopted, the changes were difficult to incorporate in ongoing administration.

- Many of the jurisdictions responding to the question felt that DOE should not give conditional approvals; they should approve or deny proposed amendments in toto. From the local perspective, DOE needs to give a reasonably clear and reliable reading of their concerns early in the process not at the end.

12. Does your SMP establish a regular review and updating procedure? Should regular review and updating be required? How often?

- Most jurisdictions agreed there is a need for regular program review. A number of programs do specify a regular time period, but these are not necessarily adhered to. Several suggested that at a minimum programs should be reviewed every five years; others suggested a three year interval. The City of Spokane started reviewing their program on a yearly basis but have since adopted a bi-annual review.

- Although most felt that regular review and update would be useful, many noted practical problems with a specified review period. Given limited funds, a small staff and other competing priorities, they felt that major reviews should take place only when specific issues arise.

- If possible the SMP update should be coordinated with the review and update of the comprehensive plan.

VI. ISSUES

1 Have any of the following been significant issues within your jurisdiction?

_____ Dredge spoil disposal
_____ Large scale mixed use projects
_____ Upland lot uses (within the 200' shoreline area)
_____ Public access to the shoreline
_____ Demand for non-water-dependent uses on the shoreline
_____ Distinctions between water-dependent and water-related uses
_____ Water quality programs
_____ Visual impacts of shoreline development
_____ Siting facilities having greater than local significance
_____ Wetland protection
_____ Small hydro projects/other energy facilities
_____ Non-conforming uses or plats
_____ Development standards for the floodway fringe
_____ Other:

2. How does your SMP address these issues? How could they be best addressed?

The following were identified as significant issues:

- Performance standards are needed for dredge spoils disposal activities. Appropriate locations need to be identified.

- Management standards for providing public access would be extremely useful. Solutions need to be found for the perceived problems of taking, compensation, and property security. Visibility and view access must also be considered. Implementation mechanisms are needed which go beyond use activity regulation.

- Use performance standards addressing water quality are noticeably absent. Standards should cover marinas, ports, well-pumping and salt water intrusion. These might be included in a general regulations section.

- Guidelines or standards are needed to address the visual impact of developments (e.g., Kirkland has a standard restricting bulk to no more than 70% horizontal lot coverage). Most acknowledged the inherent difficulties of regulating aesthetics. Some either have or would consider establishing a Design Commission.

- Better criteria are needed for for defining and identifying wetlands. Discrepancies between DOE, COE, and local mapping need resolution.

- Small scale hydro projects must be addressed as a use activity. Studies now underway in Whatcom and Skagit counties are expected to provide useful input.

- The interrelationship between SMP and floodplain standards needs to be defined. Problems arise when certain SMP use regulations, such as the water-dependency requirements are applied in floodplains where there is no water nearby.

- Bluff development standards are needed.

- Better definitions of water-dependent and water-related uses are needed. Many jurisdictions are struggling with the question of when and where to require water-dependent uses.

- There is a need for standards addressing development on upland lots which exempts them from standards applicable only to lots with water frontage (e.g., water-dependency, access).

- Standards are needed to address large scale mixed use projects.

VII. GENERAL COMMENTS

1 In your opinion, to what extent has your SMP contributed to better long-term use of the shoreline?

- Most all jurisdictions feel that the SMP has contributed to a better balance between conservation and development of limited shoreline areas. They noted that the act and programs tend to favor conservation.
- Some felt the programs help preserve more options for the future.
- Several jurisdictions said that perceptions of excessive bureaucracy, restrictions, and likely controversy has tended to "scare off" development.
- According to some the SMPs have increased public awareness and knowledge of unique shoreline values.

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2. What do you feel are the strongest elements of your program?

- Answers to this question are generally integrated throughout the survey.
- Several jurisdictions felt that flexible use standards -- allowing case by case definition and application of performance standards -- were the key to their programs' success.
- Others noted that staff longevity and capability were as important in determining the success of shoreline management as the program content.

3 What are your program's major weaknesses? Do you have specific recommendations for improvement?

- Most jurisdictions covered responses to this question in other sections of the survey.
- Some felt the lack of adequately detailed use performance standards to be the major problem.
- Many said the lengthy permit process was a severe problem and strongly recommended streamlining both local and DOE review.

4. Can you provide examples of development proposals in your jurisdiction where the SMP led to significant project improvement or which illustrated particular management problems?

- This question was generally answered in the course of earlier discussions.