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TECHNICAL MEMORANDUM

Date: November 9, 2009
To: Joe Burcar, Washington Department of Ecology
From: Jay Bennett, Community Development and Public Works Director
Paula Wiech, Planner
David Sherrard, Parametrix Inc
Subject: **City of Pacific, Shoreline Master Program Update**
Task 1.1 Deliverable: Shoreline Jurisdiction

PMC Project No: 216-3805-005-7019

PURPOSE

This memorandum provides background information describing how the City of Pacific's shoreline jurisdiction is determined. Shoreline jurisdiction includes all of the shorelands that are subject to regulation by the Shoreline Management Act (SMA) and the City's Shoreline Master Program (SMP).

This memorandum addresses:

- The criteria for shoreline jurisdiction;
- Past decisions as documented in Washington Administrative Code (WAC) 173-18;
- New information; and
- Options the City can consider in making jurisdictional decisions in the revised SMP.

DISCUSSION

City of Pacific, Location

The City of Pacific is located in the Puget Sound Basin on the King and Pierce County boundary along the White River as indicated in Figure A.

SMA Waterbodies

The jurisdiction of the SMA is determined by the statute and specifically by the following provisions:

Revised Code of Washington (RCW) 90.58.030(c) Shorelines of the state are the total of all "shorelines" and "shorelines of statewide significance" within the state;

RCW 90.58.030(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

RCW 90.58.030(e) "Shorelines of statewide significance" means the following shorelines of the state: [Note, criteria (i), (ii), (iii), and (iv) which refer to marine waters and lakes are not relevant to the City of Pacific and are not reproduced below.]

- (v) Those natural rivers or segments thereof as follows:
 - (A) Any area west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more;
- (vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

See discussion below of the flow of the White River.

RCW 90.58.030(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

- (i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.
- (ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

WAC 173-18-044 Review and update of designations. Each local government master program shall include a list of streams constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department, subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

The SMP will include planning and designations for all lands within the City's Urban Growth Area which includes an area outside the current City limits in Pierce County..

WAC 173-26-150 Local government annexation — Shoreline environment predesignation in planning jurisdictions. Cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules. Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas. Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation.

Only one water body the **White River** meets the criteria for SMA jurisdiction:

The following subsections discuss:

- The criteria by which it qualifies for shoreline jurisdiction;
- Whether it meets criteria for a “Shoreline of Statewide Significance”;
- The relevant criteria for determining the extent of “shorelands” adjacent to the water body; and
- Options the City may have in determining “shorelands.”

White River

The White River is currently listed in WAC 173-18-210, streams and rivers constituting shorelines of the state in King County streams, as shown in Table 1.

Table 1. Cedar River WAC Description

WAC Subsection	Stream Name	Quadrangle	Legal Description
(71)	White River	Greenwater* 15 Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Auburn 7 1/2	From confluence of White River and Greenwater River (Sec.4, T19N, R9E) downstream following King-Pierce County line to Pierce County line (Sec.36, T21N, R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.

Shoreline Jurisdiction

The White River has a mean annual flow of 821 cubic feet per second (cfs) based on 20 years of gauge data (USGS 2007). This places it well over the 20 cfs threshold for shoreline jurisdiction

Shoreline of Statewide Significance

The threshold for a stream being defined as a Shoreline of Statewide Significance (SSWS) is 1,000 csf. Therefore shorelines of the White River do not qualify under this criterion.

Shorelands

Shorelands adjacent to the river generally are determined by the following criteria of:

- Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and
- Contiguous floodplain areas landward two hundred feet from such floodways;

Lands extending landward for 200 feet in all directions as measured on a horizontal plane from the OHWM of the White River include:

- In King County:
 - The SE portion of the city Pacific City Park and all parcels on the south side of 3rd Ave SE to the east of Pacific City Park towards City limits at A Street SE (see Figure B).
 - On the east bank 200 feet landward areas include undeveloped land largely under the ownership of the King County Flood Management Division

- In Pierce County, the city limits runs along the east side of Butte Avenue to the Sumner City limits. Areas within the current city limits are largely outside the 200 foot shoreline jurisdiction area. The river is within the Urban Growth Boundary and designated as part of the future City of Pacific annexation area. Land on both sides of the river is largely owned by Pierce County Water Programs and managed for flood control except for two small parcels adjacent to Stewart Rd SE.

The White River is not mapped with a FEMA floodplain at the current time (see http://your.kingcounty.gov/dnrp/wlr/flood/dfirm/pdf/D53033C_1263.pdf). It is likely that the extent of the floodway is the existing levee system which would result in a floodway boundary at the limits of the existing levees. For practical purposes, this is likely to be an additional 2 to 10 feet landward of the OHWM.

Associated wetlands

Associated wetlands include:

- A wetland complex of roughly 3.5 acres is located within 100 feet of the White River located at the City's south border (see Figure B).
- A wetland complex at the confluence of the Government Ditch is in shoreline jurisdiction but is not within the current city limits. Because it is within the Urban Growth Area (UGA) designated by Pierce County for future annexation to the City of Pacific, the SMP will include planning, designations, and regulations for these wetlands.

Local options for jurisdiction

There are several options that can be exercised by a local community in determining SMA jurisdiction:

- Extending to the floodplain boundary is a possibility; however, it may involve shoreline jurisdiction and permit requirements in areas not currently covered by the SMA;
- Buffers for critical areas could be included in shoreline jurisdiction,

The city will determine during development of the Shoreline Master Program (SMP) whether including additional portions of the floodplain and critical areas buffers within shoreline jurisdiction is warranted.

Other waterbodies evaluated

As part of the review of jurisdiction, other waterbody features were evaluated based on GIS data supported by King County and Pierce County. The Milwaukee Ditch and Government Canal are the only other water body potentially eligible for shoreline jurisdiction and their flow is well below the 20 cfs threshold and therefore do not qualify for inclusion in the SMP..

Maps:

Two maps are attached

Figure A shows the city location and city limits in relation to other jurisdiction and features.

Figure B shows the approximate area of Shoreline Jurisdiction based on the Ordinary High Water Mark in the King County and Pierce County GIS systems. The boundary will be adjusted in the future when more detailed inventory information is developed.

References:

Ecology (Washington State Department of Ecology) 2009 website Shoreline Management Act jurisdiction Accessed at http://www.ecy.wa.gov/programs/sea/SMA/st_guide/jurisdiction/index.html

King County. 2009. Natural Resources and Parks, King County Flood Control District. Accessed at: <http://www.kingcounty.gov/environment/waterandland/flooding/flood-control-zone-district.aspx>

Pierce County 1009. Pierce County Urban Growth Area and Urban Service Area Map. Accessed at <http://yakima.co.pierce.wa.us/MapGallery/index.cfm?event=displayMapInformation&id=315>

Revised Code of Washington, Chapter 90.58. Accessed at: <http://apps.leg.wa.gov/RCW/default.aspx?cite=90.58>

USGS (U.S. Geological Survey). 2007. USGS Water-Data Report 2007 12100496 White River Near Auburn, WA. Accessed at: <http://waterdata.usgs.gov/wa/nwis/uv?station=12100496> and http://waterdata.usgs.gov/nwis/nwisman/?site_no=12100496

Washington Administrative Code, Chapters WAC 173-18, WAC 173-20, and 173-26. Accessed at: <http://apps.leg.wa.gov/WAC/default.aspx?cite=173>.

FEMA (Federal Emergency Management Agency). 2009. National Flood Hazard Layer (NFHL) GIS Data Preform Spatial Analyses and Make Custom Maps and Reports. Accessed at: <http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>



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- ▬ 200ft Shoreline Jurisdiction
- ▬ City Boundary
- ▬ Roads
- ▬ Wetlands
- ▬ City Parcels
- ▬ Waterbody

Fig B
City of Pacific
Shoreline Jurisdiction