Attachment B includes required changes to the locally adopted City of Port Angeles Shoreline Master Program (SMP), for achieving consistency with the policy and standards of RCW 90.58 and the applicable SMP Guidelines (WAC 173-26-171 through 251, and WAC 173-26-020 definitions). Ecology’s overview, the legal references, and directions for required changes are shown in italics. Added language is underlined, and deleted language is shown in strikeout. Please note that graphics in the locally adopted SMP have been omitted from this document for purposes of formatting. The City intends to reinsert appropriate illustrative graphics into the printed version of the final document. The table of contents will also be updated for the final printed version.
CHAPTER 1 - Introduction to the SMP

Amend section A to clarify reference to statement of legislative policy at RCW 90.58.020, the concept of no net loss of ecological functions at WAC 173-26-201 (2)(c) and the timetable for local governments to review master programs in RCW 90.58.080 (4).

A. Introduction to the Shoreline Management Act

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and adopted by the public in a referendum. The SMA was created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by fostering uses unique to or dependent upon use of the state’s shoreline and by allowing development that provides an opportunity for the people to enjoy the shorelines of the state, encouraging land uses that enhance and conserve shoreline functions and values.

The SMA has three broad policies:

Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's: shorelines...."

Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the waters of the state and their aquatic life...."

The SMA recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The SMA, and the City of Port Angeles, recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The Act governs the use and development of Washington's shorelines and creates a unique partnership between local and state government. Local governments develop and administer shoreline master programs (SMPs) based on the Act and state guidance, and the state ensures local programs consider statewide public interests.

Shoreline master programs carry out the policies of the Shoreline Management Act at the local level, regulating use and development of shorelines. Local shoreline programs include policies and regulations based on state laws and rules as well as guidance from
the Department of Ecology but tailored to the unique geographic, economic, and environmental needs of each community.

The State Shoreline Management Act (SMA) provides a broad policy framework for protecting the shoreline environment. The Shoreline Master Program Guidelines adopted by rule in 2003 (WAC 173-26) establish the "no net loss" principle as the means of implementing that framework. The no-net-loss standard is designed to ensure permitted development will not result in a net loss of shoreline ecological functions. This means that the existing condition of shoreline ecological functions needs to remain the same, and should even be improved as a result of restoration, as the updated SMP is implemented over time. This standard is to be met by appropriately regulating public and private development, implementing a Restoration Plan, and improving practices that affect the shoreline.

At a minimum, impacts of development should be identified, avoided and mitigated so as to maintain shoreline ecological functions as they exist at the time of the City’s shoreline inventory for the SMP update process.

A review of each SMP is called for every eight years. As needed, further revisions to policies and regulations may be made at these times, based on how well the no-net loss objective is being met, and/or for other reasons. Updates are necessary to keep SMPs current, both with physical conditions and community values.

Comprehensive updates of existing Shoreline Master Programs were required by the Washington Legislature, and funding was provided through the Department of Ecology to help local governments meet that requirement. One important objective of the update is to integrate SMP provisions with related provisions of the City’s Comprehensive Plan and Environmentally Sensitive Areas Ordinance.

Amend section B to clarify intent to predesignate urban growth areas under WAC 173-26-150 and to recognize dates of revised supporting documents.

B. What is the Shoreline Master Program (SMP)?

The City of Port Angeles Shoreline Master Program (SMP) is a planning document that outlines goals and policies for the shorelines of the City and the City’s Urban Growth Area (UGA), and also a regulatory code that establishes regulations for development occurring in "shoreline jurisdiction", generally including within two hundred feet of the shoreline.

During the preparation of the SMP, the planning team developed several supporting documents that provided information necessary to complete the SMP and satisfy state requirements. These include:
• Shoreline Inventory, Characterization, and Analysis Report for City of Port Angeles Shoreline: Strait of Juan de Fuca, September 23, 2010 (revised June 2012)

• Cumulative Impacts Analysis;

• Restoration Plan (included as an appendix to the SMP); and

• No Net Loss Report.

Amend section C to conform to the definitions in RCW 90.58.030 and the State policy for shorelines of statewide significance in RCW 90.58.020.

C. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

Under the SMA, the shoreline jurisdiction includes areas that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as “shorelines of statewide significance” or “shorelines of the state” and their adjacent shorelands per (RCW 90.58.030).

As defined by the SMA, shoreline jurisdiction encompasses all “shorelines of the state”. Shorelines of the state include both “shorelines” and “shorelines of statewide significance”. In Port Angeles, regulated shorelines include marine waters of the Port Angeles Harbor, the Strait of Juan de Fuca (north to the international boundary) and tidally influenced portions of Valley, Tumwater, Peabody and Ennis Creeks. This includes water areas and their associated ‘shorelands’, which is generally the area within 200 feet landward of the ordinary high water mark (OHWM) and associated wetlands and river deltas (Figure 1).

Shorelines of statewide significance are considered major resources from which all people of the state derive benefit; therefore, special emphasis must be given to preferences and objectives that recognize and protect the statewide interest over local interests when considering management of these shorelines. Adjacent to Port Angeles, the portion of the Strait of Juan de Fuca lying seaward from the line of extreme low tide north to the Canadian line are shorelines of statewide significance.

The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands or river deltas.
1. **Applicable Area**

The applicable area for this shoreline master program includes all land currently within the City’s proposed shoreline jurisdiction. Additionally, the City has predesignated shorelines that are currently within Port Angeles’ Urban Growth Area (UGA). The environment designations and provisions of this SMP will apply when the City annexes those lands.

In accordance with RCW 35.21.160, the City’s SMP authority extends north to the middle of the Strait of Juan de Fuca, to the international boundary. Shoreline jurisdiction is limited to the areas outlined in Section C above; the City is not exercising optional authority under RCW 90.58.030 (2)(d) (i) and (ii) to include additional portions of the 100-year floodplain or the full extent of critical area buffers.

Lands within shoreline jurisdiction subject to this master program are all Marine waters within the City of Port Angeles plus the lagoon at the base of Ediz Hook and associated wetlands. The jurisdiction of the Port Angeles SMP extends north to the international boundary.

*Figure 1. Shoreline Management Act jurisdiction in the City of Port Angeles (removed).*

Amend section D to clarify that the Harbor Resources Management Plan (HRMP) and SMP, while being updated at the same time and intended to inform one another, are subject to separate legal authority and that policies and regulations in the SMP must be consistent with broad statewide goals, the SMA, and the Guidelines – RCW 90.58.340 and WAC 173-26-191 (1)(a) and (2)(a).

D. **Process to Develop this SMP**

1. **Coordination with other Shoreline Planning and Development Activities**

This SMP was prepared concurrently with the Port Angeles Harbor Resources Management Plan (HRMP). The HRMP is a comprehensive and strategic plan that addresses overlapping geographic areas, goals, and components of Harbor planning. It is intended to fill in data gaps and recommends a cohesive strategy for Harbor improvement that integrates the many environmental management, planning and development efforts on Port Angeles’s shorelines including: Port Angeles Shoreline Inventory, Characterization and Analysis Report, the Port Angeles Shoreline Master Program (SMP), the Waterfront and Transportation Improvement Plan (WTIP), City of Port Angeles’ Comprehensive Plan and Draft Comprehensive Park Plan, Olympic Discovery Trail planning, Rayonier site planning, Ennis Creek Restoration Plan, the Port of Port Angeles’ Marine Facilities Master Plan and Central Waterfront Master Plan, the 1989 Harbor Resource Management Plan, Ecology’s Port Angeles Harbor Sediment Study, and the Combined Sewer Overflow (CSO) Reduction Program.

The HRMP outlines an implementation strategy that includes time frames, needed resources, possible funding sources, and responsible parties/key stakeholders. These
elements provide direction for the City of Port Angeles’ capital improvement program as well as the Port of Port Angeles, local Tribal entities (Lower Elwha Klallam, Jamestown S’Klallam, and Port Gamble S’Klallam), and private sector investment. The regulations contained within the SMP will align with the HRMP vision and support its implementation as well as SMA objectives.

The HRMP and SMP processes were approached concurrently, to allow the SMP inventory and analysis to inform the HRMP, the SMP Cumulative Impact Analysis to evaluate the HRMP’s overall sustainability, and to ensure consistency between the two efforts and the City’s Comprehensive Plan. By coordinating the HRMP, the SMP, and the Comprehensive Plan, City policies, regulations, and actions for the Harbor will be unified in their support for achieving the community’s Harbor vision.

2. The Public Participation Process

The SMP and the HRMP were developed through an extensive public process under the guidance of the Harbor Planning Committee (HPC). Throughout the process, the HPC met monthly to review progress and offer expert guidance. The Committee consisted of representatives from the City, Clallam County, Lower Elwha Klallam Tribe, Port of Port Angeles, United States Coast Guard, Department of Natural Resources, Department of Ecology (ex-officio), and the Puget Sound Partnership (ex-officio). The HPC also served as the advisory committee for this SMP.

In June 2010, the City initiated the project with a community visioning open house kick-off that was attended by over 100 attendees. The City offered an online survey to gather input on goals and priorities and received 270 responses. In August, the City hosted three focus groups centered on 1) environmental restoration and protection, ecology, 2) economic development, and 3) public access, recreation, and cultural resources. A September public open house and workshop presented the draft Shoreline Inventory, Characterization and Analysis and project priorities identified in the focus groups, and it solicited input from the approximately 100 attendees. In February 2011, the team presented the key provisions of the draft SMP at a third public open house. The public’s responses to the draft SMP provisions were generally positive and provided guidance to the HPC team for completing the ecology submittal draft during the spring of 2011.

Additional public outreach activities included meetings with the Strait Ecosystem Recovery Network, the Port Angeles Downtown Association, the Port Angeles Business Association, the Kiwanis Club, the 2010 Arts Council, the Realtors Association, the Rotary, and the Lions Club; booths at the Summer Farmer’s Market and Clallam County Fair; City Council and Planning Commission updates; and online, radio, and newspaper advertising.

*Figure 2. Public Participation: September 14 public open house (top left); participants register their preferences (below); and Harbor Planning Committee on boat tour to review shoreline conditions (below left) (removed).*

3. Shoreline Goals
The goals and objectives described below represent capture the public input gathered during the City’s update process, which is necessary to update the SMP as noted in WAC 173-26-201(3)(b). In terms of the SMP process, the goals serve as the value statements from which more specific SMP policies are derived. Policies and regulations in the SMP are also based on the requirements in the Act and in the Shoreline Master Program Guidelines, and are consistent with the concept of “no net loss” of shoreline ecological functions. The goals stated below are based on State requirements and are included in the Harbor Resource Management Plan and this Shoreline Master Program.

**Goals and Objectives**

1. Port Angeles’ waterfront includes a full spectrum of natural resources, economic activities, and recreational attractions.
2. Port Angeles’ shoreline ecology is protected and, where appropriate, restored.
3. The harbor contains vibrant water-oriented industrial, commercial, and recreational uses that contribute to Port Angeles’ economy.
4. Port Angeles’ shoreline is publicly accessible, with ample open space and connections to regional trails and the Downtown.
5. Port Angeles’ shoreline is attractive and inviting, with a variety of natural, “working waterfront,” and scenic amenities.
6. Cultural resources, including historical associations, on Port Angeles’ shorelines are protected and, where appropriate, celebrated and interpreted for greater public appreciation.

Amend section E to conform with the statement of applicability in WAC 173-26-191 (2)(a)(iii)(A), State approval authority under RCW 90.58.090 and RCW 90.58.140 (10), to add reference to sole authority for managing critical areas within shoreline jurisdiction as required by WAC 173-26-221 (2), RCW 90.58.090 (4) and RCW 90.58.610, and to delete unnecessary background discussions in accordance with RCW 90.58.090 (7).

**E. How the Shoreline Master Program is Used**

**1. Administration**

As noted earlier, the City of Port Angeles Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the City and the UGA, and also establishes regulations for development occurring within shoreline jurisdiction within the City limits. All proposed uses and development occurring within shoreline jurisdiction
must conform to Chapter 90.58 RCW (the Shoreline Management Act) and this Master Program.

In order to preserve and enhance the shorelines of the City of Port Angeles, all development proposals relating to the shoreline are evaluated by the Shoreline Administrator (Administrator) and/or appointed reviewing body for consistency with this Shoreline Master Program. The Shoreline Administrator for the City of Port Angeles is the Planning Director of Community and Economic Development or his/her designee.

The Port Angeles Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. Based upon the statewide policies of RCW 90.58 and local conditions, this breadth is intended to ensure that the Port Angeles shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, displace “preferred uses” as identified in Chapter 90.58 RCW, limit public access or degrade the shoreline’s aesthetic values. The Port Angeles Shoreline Master Program provides the regulatory parameters within which development may occur. In addition, it identifies those uses deemed unacceptable within Port Angeles shoreline jurisdiction, as well as those uses which may be considered through a discretionary permit such as a Conditional Use Permit or Shoreline Variance.

Persons proposing any shoreline development, land use, or other projects in the shoreline area should consult with the City of Port Angeles Community and Economic Development Department. A staff person will assist the project proponent by identifying the necessary permits and application procedures.

2. Relationship of this Shoreline Master Program to Other Plans and Regulations

This SMP implements the Washington State Shoreline Management Act and is integrated within the City of Port Angeles planning framework and regulatory system. The SMP policies constitute the shoreline element of the City’s Comprehensive Plan in accordance with WAC 173-26-191(2)(a)(i). Once approved by the state, the regulations are become part of Title 15 of the City of Port Angeles Municipal Code (PAMC).

Being part of the City’s system of planning and development regulations, this SMP is intended to will be administered in concert with other PAMC provisions of the municipal code. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation, the most recent amendment or current edition shall apply. Where Shoreline Conditional Use or Variance permits are required, the Washington Department of Ecology will review and make final determinations after the City has issued its decisions.

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Port Angeles Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Port Angeles Comprehensive Plan and the
City’s Environmentally Sensitive Areas Protection regulations (Title 15 PAMC). The Port Angeles SMP must also be mutually consistent with and the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as building construction and safety requirements. Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use.

Provisions in the Environmentally Sensitive Areas Protection regulations pertaining specifically to fish and wildlife habitat areas, locally unique features and geologically hazardous areas (PAMC Chapter 15.20), wetlands protection (PAMC Chapter 15.24), and flood damage prevention (PAMC Chapter 15.12) shall be applicable along with regulations contained in this SMP. Please see Chapter 3 for exclusions and additional detail regarding environmentally sensitive areas in shoreline jurisdiction. If a conflict between the environmentally sensitive areas and SMP provisions occurs, the more specific regulation applies. The version of the City’s Environmentally Sensitive Areas Protection regulations referenced in this document shall refer to those codified by ordinance #2655 and #2656, dated November 29, 1991 and most recently amended by ordinance #3367 dated September 15, 2009.

Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the Port Angeles Comprehensive Plan, the Washington State Environmental Policy Act (“SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), other provisions of the Port Angeles Municipal Code (PAMC), and various other provisions of local, state and federal law, as may be amended. Project proponents shall comply with all applicable laws prior to commencing any use, development or activity.

Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

As noted earlier the draft SMP was prepared concurrently with the Harbor resources Management Plan and where applicable and consistent with the SMA, the SMP supports and implements the recommendations in the that plan. Also, during 2010 and 2011, the City produced the Waterfront and Transportation Improvement Plan (WTIP) which focuses on public infrastructure projects on the waterfront and other parts of the City. The team preparing this SMP considered elements of the WTIP during the planning process. Finally, planning for the environmental clean-up, restoration and redevelopment of the Rayonier Site had been taking place for some time prior to the SMP process, and several questions regarding the site’s future still remain. This SMP acknowledges that planning for the Rayonier Site will continue and provides a regulatory framework for work in the future.

Port Angeles Harbor is one of several Puget Sound bays being targeted for priority cleanup by the Puget Sound Initiative (Ecology 2010b). As part of the cleanup, Ecology has focused on source control, sediment cleanup, and restoration. Various locations in the Harbor are classified as Category 5 (significant impairment that requires development
of a Total Maximum Daily Load (TMDL) for sediment bioassay. Ecology started an investigation of aquatic sediment conditions and will develop a strategy for cleanup of the harbor. The contaminants and deleterious substances in Port Angeles Harbor that Ecology reports may pose a threat to human health and the environment include pilings with creosote, dioxins and furans, polychlorinated biphenyls (PCBs), petroleum hydrocarbons, wood debris accumulations and other toxic agents. These contaminants and deleterious substances can impact aquatic habitat and the quality of fisheries and shellfish.

Contaminants may move to the marine environment through several pathways. Some may be deposited directly from past industrial practices and/or spills. Contaminants may be associated with both residential recreational and commercial activities, and some may be associated with permitted industrial outfalls. Storm water can dissolve and/or transport substances and soil that are exposed during storms, and may flow directly or indirectly to the harbor. Groundwater contamination can move toward and discharge to marine water or sediments directly, or into adjacent creeks that flow to the harbor. Control of the sources of contaminants is an important element of the future harbor cleanup and the health of the shoreline zone and marine environment.

In addition to the sediment contamination, the water column has also been adversely impacted. The waters of Port Angeles Harbor are in various places designated as Category 5 for fecal coliform and dissolved oxygen. Sources of water column contamination include storm water runoff from the immediately adjacent industries and other basin developments, waterfowl (fecal coliform), recreational and commercial boating and shipping activities, combined sewer overflows (CSOs), and faulty septic systems (fecal coliform) outside of the City.

An additional source of impairment is the substantial areas of sunken logs and wood waste on the bottom of the Port Angeles Harbor that were a byproduct of the various wood-based industries (saw mills, pulp and paper mills, and plywood). Intact logs may be present in sediment and may be able to be reused in stream rehabilitation projects if they can be recovered. Concentrations of wood waste are found in the embayment on the west side of the Rayonier properties, along the west and northwest sides of the Harbor, and in front of the Boat Haven marina. Decomposing wood waste has high biological oxygen demand, lowering dissolved oxygen in the area to nearly anoxic levels and potentially releasing hazardous substances during decomposition. The wood waste also essentially forms a blanket over the benthic habitats, making them inhospitable to invertebrates and other aquatic organisms. Finally, the amount of wood debris may present impediments to dredge material disposal based on a high percentage of included wood debris.
Chapter 2 - Environment Designation Provisions and Regulations

Amend section A for consistency with WAC 173-26-211 (2) and (4).

A. Introduction

The Shoreline Management Act (Chapter 90.58 RCW), through the Shoreline Guidelines (Chapter 173-26 WAC), provide for shoreline environment designations to serve as a tool for categorizing shoreline areas and as a way to applying and tailoring the general policies of the Act to local shorelines. Shoreline environment designations, sometimes referred to as shoreline "environments" (e.g., the High-Intensity Shoreline Residential Environment), provide a means of establishing specific policies and regulations applicable to shoreline segments that recognize different shoreline conditions and valuable shoreline resources.

WAC 173-26-211 describes the method for classifying shorelines and assigning environment designations based on the "existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans."

They Environment designations are also a way to integrate facilitate consistency between comprehensive planning into shoreline master program regulations provisions. By establishing specific policies and regulations for each environment designation, local jurisdictions can give preference to specific uses, provide for public access, and apply ecological protection measures most appropriate for specific environments shoreline segments. WAC 173-26-211 describes the method for classifying shorelines and assigning environment designations based on existing "use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section [of the WAC guidelines]."

The environment designations in Port Angeles' SMP were based on 1) the WAC guidelines, 2) the shoreline inventory, characterization and analysis conducted in support of the SMP production, and 3) the public input from work sessions, surveys, and other activities.

The overarching direction emerging from public input is the community’s desire to protect and enhance the shoreline ecology, to support maritime and water-oriented industries, encourage shoreline restoration, and to provide a broad spectrum of public access and water-oriented recreation opportunities. The environment designations expand the recommended classification system in WAC 173-26-211(4) and (5) because additional designations are necessary useful in addressing the variety of conditions found on Port Angeles’ shorelines.
In order to further address the complexity of the city’s shorelines, specific development standards for distinct reaches or “segments” within the environment designations are may be included for each environmental designation. Shoreline segments and the corresponding shoreline environment designation are depicted on Figure 2 and in Appendix A.

Section B of this Chapter describes the purpose, designation criteria, applicable shoreline areas, management policies and specific development standards for each environment designation. Purpose statements are intended to describe the shoreline management objectives of the designation. Designation criteria provide the basis for classifying or reclassifying a specific shoreline area with that designation. Management policies are integral to determining land uses and activities that can take place within each shoreline environment and in assisting in the interpretation of the environment designation regulations. The specific development standards augment other regulations and general management policies for each segment by adding dimensional and segment specific standards to the more general regulation. Section drawings are included for illustrative purposes only and are not meant to be accurate depictions of existing conditions nor are they a required future condition.

Specific Development Standards in this section promote the protection and restoration of shoreline vegetation by including standards for vegetation conservation areas (VCAs). The standards identify the width of the VCA in specific segments and provide specific regulations for vegetation conservation within those VCAs. In general, “significant vegetation removal,” as defined in Chapter 6, is not allowed in VCAs unless there is a stated exception.

Section C of this chapter includes a shoreline use matrix and shoreline modification matrix which details and summarizes allowed, conditionally allowed and prohibited uses, activities and modifications in each environment designation standards for shoreline development. Specific use or development activities may be allowed in the shoreline setbacks or vegetation conservation areas established in this chapter; please see Chapter 3.

In the event of a mapping error, the City will rely on common boundary descriptions and the criteria contained in RCW 90.58.030 (2) rather than an incorrect or outdated map. Shoreline areas above the OHWM that are not mapped or assigned with an environment designation as described in Chapter 2 in this SMP shall be classified with an Urban Conservancy – Recreation (UC-R) environment until the shoreline can be redesignated through an SMP amendment. Shoreline areas below the OHWM that are not assigned with an environment designation as described in Chapter 2 shall be classified with an Aquatic Conservancy (A-C) or Aquatic Harbor (A-H) environment.
Note: The Ordinary High Water Mark (OHWM) indicated on all maps is based on the elevation line of 7 feet above sea level (NADV 88). The OHWM must be determined in the field based on the criteria of RCW 90.58.030(2)(bc).

Figure 23. Environment designation map identifying individual shoreline management segments (removed).

Amend section B for consistency with WAC 173-26-211 (4), WAC 173-26-211 (5)(c), (5)(d) and (5)(f), WAC 173-26-191 (2)(a)(i) and (ii), and WAC 173-26-201 (2)(c).

B. Environment Descriptions and Specific Development Standards

The specific Development standards in this section are regulations. The diagrams are illustrative. Where there is a conflict between specific development standards (regulations) and the diagrams, the regulation shall apply.

1. High-Intensity Industrial (HI-I) Environment (Segments C, H and I)

a. Purpose

The purpose of the High-Intensity Industrial (HI-I) Environment is to provide for the continued use and development of high-intensity water-oriented heavy and larger scale industrial or port uses, with the potential to allow supporting uses. This designation is also intended to protect existing ecological functions and provide for restoration and public access in appropriate locations and situations.

b. Designation Criteria

A High-Intensity Industrial Environment designation will be assigned to shorelands within City jurisdiction if they currently support or are planned for high-intensity intensive industrial uses related to production and processing of materials, transportation, or navigation.

(c. Management Policies

1. In regulating uses in the High-Intensity Industrial Environment, first priority should be given to water-dependent industrial uses. Second priority should be given to water-related and water-enjoyment industrial uses. Non-water-oriented uses should not be allowed except for 1) as part of mixed-use developments that combine water-dependent and non-water-oriented uses or 2) in existing developed areas in supporting of water-dependent uses and/or shoreline restoration. Non-water-oriented uses may also be allowed in limited situations on sites where there is no direct access to a shoreline with navigable waters. In these cases, shoreline restoration should be included as part of development.

2. New development, redevelopment, and uses should include the protection and/or restoration of shoreline ecological functions, with particular emphasis on habitat for priority species and environmental cleanup.

3. Visual and physical public access should be required as part of any non-water-oriented development where there is both a public benefit and no security or use conflicts, as provided for in SMP Chapter 3, Section 98.2. Public Access.
4. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be preserved and provided through these segments to public access points, such as Ediz Hook, or to public access points that may be developed within these segments by implementing shoreline management provisions, or other measures such as street and pathway improvements.

5. Shoreline management provisions—such as sign controls regulations, appropriate development siting and screening, building bulk and height restrictions, and maintenance of visual buffers—should be considered included in projects with development or redevelopment to improve the visual aesthetic qualities of the shoreline in this environment and the views from public properties and substantial numbers of residences.

6. Redevelopment or including ecological restoration of substandard and degraded urban shoreline areas and removal of obsolete structures should be encouraged. Such redevelopment, which may occur through regulatory and or capital improvement measures, should consider in order to make maximum use of the available shoreline resource and to accommodation of future water-oriented uses.

d. Environment-Specific Development Regulations

<table>
<thead>
<tr>
<th></th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment C</td>
<td>N/A</td>
<td>50 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Segment H</td>
<td>50 feet</td>
<td>50 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>Segment I</td>
<td>N/A</td>
<td>50 feet</td>
<td>45 feet</td>
</tr>
</tbody>
</table>

Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are measured from the shoreline in a width landward of and perpendicular to the OHWM. VCA’s have generally not been applied in the HI-I designation where shoreline areas are highly armored and used for water dependent or water related industrial uses, and where there is little or no vegetation to conserve. If no VCA is assigned to a shoreline segment, parcels with frontage on waters regulated by the SMP shall preserve existing native vegetation within the shoreline setback to the extent feasible and in accordance with the regulations and allowances in Chapter 3, section 12.

Maximum structure heights are not applicable to light and utility poles, chimneys and stacks, or to equipment used for loading and unloading such as conveyors and cranes.

Segment C. Outer Industrial.

Figure 34. Section of HI-I along the strait and Harbor. (Vegetation enhancement applies only where there are not improvements) (removed).

In this segment, vegetative restoration or mitigation for development resulting in unavoidable impacts to vegetation on parcels where a VCA has not been designated shall be focused on the
existing pocket beach in the middle of the segment when feasible; see Chapter 3. Utilization of
the pocket beach area for restoration or mitigation is contingent upon execution of a formal
agreement (conservation easement, etc.) between the property owner and party proposing
mitigation or restoration. Such agreement shall ensure access to and maintenance of the
utilized area, and guarantee preservation of the utilized area in perpetuity. If an agreement
meeting the conditions outlined above cannot be reached, compensatory mitigation shall occur
on the same parcel where the unavoidable impact occurs or through other measures
established in this SMP.

Setbacks may be averaged to maintain and provide additional open area near this pocket
beach. The Administrator may allow setback averaging only when the applicant can
demonstrate all of the following:

   i.  Averaging is necessary to avoid an extraordinary hardship to the applicant caused
        by circumstances unique to the property;

   ii. The area within the setback contains existing variations in ecological function and
       sensitivity;

   iii. Averaging will not adversely impact ecological functions; and

   iv.  The total area contained within the setback after averaging is no less than that
       contained within the standard setback prior to averaging. In no instance shall the
       setback be averaged more than 50% (25 feet).

1.  Vegetation Conservation Area width: 50-foot minimum width.

    NOTE: Although exposure limits vegetation growth in this segment, unnecessary
    clearing and grading must be avoided. In some areas vegetation planting may be
    appropriate as mitigation.

2.  Structure setback: 50-foot minimum width. Note that the VCA and setback width
    may be averaged to allow for specific industrial site requirements or to provide for a
    large open area near the existing pocket beach. The primary intent of the VCA and
    setback requirement is to protect ecological functions of a small pocket beach near
    the base of Ediz Hook and prevent any unnecessary disturbance to the shoreline.  
    Additional beaches may form from Elwha River sediment resulting from the
    2012/2013 dam removals. As this occurs, shoreline functions, including vegetation
    growth, should be allowed to evolve.

3.  Public access requirements: No specific requirements.

4.  Maximum structure height: Refer to the Port Angeles Zoning Code, Title 17 PAMC.

5.  Special shoreline stabilization requirements: Repair and replacement of shoreline
    stabilization allowed as necessary to protect structures. Soft armoring or other
    techniques should be considered and encouraged as a substitute for more
    traditional armoring. See also Chapter 4.

6.  Other standards: Enhancement of shoreline with beach nourishment, placement of
    large woody debris, and vegetation enhancement may be considered as mitigation.
Segment H. Industrial Lagoon.

Figure 45. Section of HI-I along the lagoon (removed).

In this segment, the VCA does not apply to shorelines directly facing the channelized lagoon outlet. Wetland buffers and protections may apply per Chapter 3 of the SMP. Untreated stormwater shall not be directed to the lagoon.

1. Vegetation Conservation Area width and conditions: 20-foot minimum width. Existing structures, improvements to existing structures, and public access improvements may extend into the VCA. The VCA does not apply to shorelines directly facing the channelized lagoon outlet. Revegetation of the VCA is a condition of the development of non-water-dependent uses. Significant vegetation removal (see definitions in Chapter 6) is not allowed except for water-oriented uses or public access.

2. Structure setback and conditions: 20-foot minimum width. Existing structures, improvements to existing structures where there is no increase in footprint and public access improvements may extend into the setback. Setback does not apply to shorelines directly facing the channelized lagoon outlet.

3. Public access requirements: Public access is not required.

4. Maximum height: Refer to the Port Angeles Zoning Code, Title 17 PAMC.

5. Special shoreline stabilization requirements: Shoreline stabilization allowed only as necessary to protect utilities, roadways, and existing structures or as part of shoreline restoration. Shoreline stabilization is allowed along the channelized lagoon outlet. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

6. Other standards: Direct untreated stormwater away from lagoon.

Industrial Lagoon at base of Ediz Hook designated HI-I (removed).

Segment I HI-I Facing the Harbor

Figure 56. Section of HI-I designation facing the harbor (removed).

In this segment, vegetative restoration or mitigation for development resulting in unavoidable impacts to vegetation on parcels where a VCA has not been designated shall be focused on the existing beach area south of the lagoon channel when feasible; see Chapter 3. Utilization of the beach area for restoration or mitigation is contingent upon execution of a formal agreement (conservation easement, etc.) between the property owner and party proposing mitigation or restoration. Such agreement shall ensure access to and maintenance of the utilized area, and guarantee preservation of the utilized area in perpetuity. If an agreement meeting the conditions outlined above cannot be reached, compensatory mitigation shall occur on the same parcel where the unavoidable impact occurs or through other measures established in this SMP.

Setbacks may be averaged to maintain and provide additional open area near this beach. The Administrator may allow setback averaging only when the applicant can demonstrate all of the following:
i. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances unique to the property;

ii. The area within the setback contains existing variations in ecological function and sensitivity;

iii. Averaging will not adversely impact ecological functions; and

iv. The total area contained within the setback after averaging is no less than that contained within the standard setback prior to averaging. In no instance shall the setback be averaged more than 50% (25 feet).

The existing Olympic Discovery/Waterfront Trail provides a pedestrian corridor through the Nippon mill site in this segment for access to Ediz Hook. Provision and maintenance of the trail was a condition of the previous permits for the mill; when or where the trail is located within City right-of-way, the City shall share responsibility for ensuring the safety and viability of this important public access corridor.

If the Administrator determines that required public access within this segment for any particular project is found infeasible or undesirable in accordance with Chapter 3 Section 8, the applicant may compensate by providing off-site public access or paying a compensatory fee to the City if the City has developed such a program. The preference for public access improvements in this segment is a continuous pedestrian and bicycle trail along the roadway adjacent to the parcel on which development is proposed.

The following Setbacks and VCA requirements do not apply to jetties or structures constructed for navigation.

1. Vegetation Conservation Area width and conditions: A 50-foot minimum width is required for new non-water-dependent uses. As a condition for new non-water-dependent development, the VCA must be planted with native vegetation as approved by the Shoreline Administrator. The Shoreline Administrator will base vegetation enhancement requirements on the likely survivability of new planting and maximizing beneficial ecological functions. Water-dependent uses may be developed within the VCA and setback.

2. Structure setback and conditions: A 50-foot minimum setback width for non-water-dependent uses. Water-dependent uses may be built within the setback.

3. Public access requirements: Provide public access as a condition of non-water-oriented development, where feasible, per the requirements of Chapter 3, Section 9, Public Access. Where public access is not feasible along the shoreline, the project applicant may satisfy public access by paying the City a monetary fee equivalent to the cost of the otherwise required trail along the shoreline, provided the City has a program to construct public access improvements with those funds.

4. Maximum height: Refer to the Port Angeles Zoning Code, Title 17 PAMC.

5. Special shoreline stabilization requirements: New or enhanced shoreline stabilization may be allowed if necessary to prevent erosion or to support water-
dependent uses. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

Portion of Port Angeles Harbor and industrial lagoon designated HI-I (removed).
2. **High-Intensity Marine (HI-M) Environment (Segments E and J)**

a. **Purpose**

The purpose of the High-Intensity Marine (HI-M) Environment is to provide for higher-intensity shoreline uses featuring a mix of water-oriented commercial, transportation, recreation, industrial uses, boat building and repair, vessel berthing, marina facilities, the Coast Guard base, and ancillary uses associated support facilities. Versus heavy industrial uses in the HI-I designation, industrial uses in the HI-M designation are intended to be centered primarily on manufacturing and the loading, storing, and transferring of cargo. This designation is also intended to protect existing ecological functions and provide for restoration and public access in appropriate locations and situations.

The Coast Guard base is located on lands considered to be a federal reserve, which has unique security and operational requirements.

The City recognizes that the U.S. Coast Guard is intrinsically essential to achieving the objectives of the Shoreline Management Act. Specifically, the U.S. Coast Guard supports maritime commerce, marine safety, environmental cleanup efforts (e.g., spill response), and water recreation. The Coast Guard also has unique security and operational requirements, so that shoreline management provisions do not apply to the U.S. Coast Guard base property.

b. **Designation Criteria**

A High-Intensity Marine Environment designation will be assigned to shorelands within City jurisdiction if they currently support or are suitable and planned for higher-intensity water-oriented uses related to commerce, industry, transportation (including recreational boating), or navigation. Shorelands with industrial facilities in this designation will include manufacturing or industries of a less intense scale than those designated HI-I.

The High-Intensity Marine Environment provides for a greater range of water-oriented uses than the High-Intensity Industrial Environment.

c. **Management Policies**

1. In regulating uses in the High-Intensity Marine (HI-M) Environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except for 1) as part of mixed-use developments that combine water-dependent and non-water-oriented uses such as a multi-use marina, or 2) in existing developed areas in support of water-dependent uses. Non-water-oriented uses may also be allowed on sites where there is no direct access to the shoreline. Non-water-oriented uses should be discouraged except as part of mixed-use developments, such as multi-service marinas, or existing developed areas supporting water-dependent uses and/or shoreline restoration. Non-water-oriented uses may also be allowed on sites where there is no direct access to the shoreline.
2. New development and redevelopment should include ecological restoration, including low impact development techniques and environmental cleanup of the shoreline, in accordance with state and federal requirements and the restoration plan accompanying this SMP.

3. Visual and physical public access should be required as provided for in SMP Chapter 3, Section 89 – Public Access. The U.S. Coast Guard base is exempt from this requirement.

4. Sign control regulations, appropriate development siting and screening, building bulk and height restrictions, and maintenance of visual buffers should be considered with development or redevelopment to improve the aesthetic quality of the shoreline and protect Shoreline management provisions — such as sign controls, development siting and screening, building bulk restrictions, and maintenance of visual buffers — should be established for shoreline areas to improve the visual qualities in this environment and the views from public properties and substantial numbers of residences.

5. Public access should include identified points and routes for pedestrians, bicycles, and vehicles. Urban routes should be provided to public access points. Public access points should be designed to a high-quality standard.

6. Development in the High-Intensity Marine Environment should be managed so that it enhances and maintains the shorelines for a variety of water-oriented uses, with an emphasis on industrial, maritime, and boating activities.

7. Redevelopment including or ecological restoration of substandard and degraded urban shoreline areas and removal of obsolete structures should be encouraged to make maximum use of the available shoreline resource and to accommodate future water-oriented uses. Such redevelopment should consider accommodation of future water-oriented uses.

8. Accessories important to the Coast Guard mission and operations should be allowed on the base. The City should work with the U.S. Coast Guard to explore opportunities for ecological restoration.

Portion of Ediz Hook designated HI-M, showing several marine uses, (removed)

**d. Environment-Specific Development Regulations In HI-M environments**

<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>E</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>E</td>
<td>OHWM to the waterward extent of new structural road foundation</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>J</td>
<td>N/A</td>
<td>50 feet</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are
measured from the shoreline in a width landward of and perpendicular to the OHWM. VCA’s have generally not been applied in the HI-M designation where shoreline areas are highly armored or where there is little or no vegetation to conserve, and along the Strait side of Segment E where vegetative enhancement is not likely to be compatible with maintenance of the existing large rock stabilizing the outer shoreline of Ediz Hook. If no VCA is assigned to a shoreline segment, parcels with frontage on waters regulated by the SMP shall preserve existing native vegetation within the shoreline setback to the extent feasible and in accordance with the regulations and allowances in Chapter 3, section 12.

Maximum structure heights are not applicable to light and utility poles, antennae, chimneys and stacks, or to equipment used for loading and unloading such as conveyors and cranes.

Segment E, East Ediz Hook

*Figure 67 HI-M facing the Harbor (removed)*

In this segment, no new structures are allowed along the north side of Ediz Hook Road (portion of segment facing the Strait).

In the portion of this segment facing the Port Angeles Harbor, the City anticipates widening Ediz Hook Road to the south to facilitate trail improvements or public access. The VCA extends from the OHWM to the waterward extent of any structural road foundation necessary to widen the road.

The preference for public access improvements in this segment is a continuous pedestrian and bicycle trail along the south edge of Ediz Hook road. The safety of both bicyclists and pedestrians must be addressed in the design of the trail.

Fences, poles and shelters shall be located and designed to minimize visual impacts.

**On Ediz Hook Facing the Strait**

1. **Vegetation Conservation Area and structure setback width and conditions:** VCA extends from the OHWM to the edge of road pavement. The road may be widened for pedestrian and bicycle trail improvements and parking, provided impacts are mitigated. One rest stop, view point, or picnic area deck, each up to 200 square feet in area may be constructed within the setback and VCA for every 1,200 linear feet of shoreline.

2. **Public access requirements:** Access to the shoreline shall not be blocked except as necessary for shoreline stabilization or by vegetation in the VCA.

3. **Maximum structure height:** 35 feet.

4. **Special shoreline stabilization requirements:** Repair of shoreline stabilization measures is permitted. Environmental mitigation, such as beach enhancement or placement of large woody debris may be required if shoreline stabilization is enlarged.

5. **Other standards:** Structures, including fences, poles, and shelters, shall be located and designed to minimize ecological and visual impacts.
On Ediz Hook Facing the Harbor

1. Vegetation Conservation Area width and conditions: VCA extends from the OHWM to the edge of the structural road foundation. The road may be widened for pedestrian and bicycle-trail improvements and public access parking, provided adverse impacts to shoreline functions are mitigated (see Chapter 3, Section 9 Parking). Structures and pavements for water-oriented uses may be developed on shorelands within the VCA provided significant vegetation removal (see definitions) is minimized and impacts mitigated.

2. Structure setback: At least 15 feet from the ordinary high water mark for non-water-dependent structures.

3. Public access requirements: As a condition of development, an 8-foot wide continuous public access pedestrian and bicycle trail must be constructed along the roadway adjacent to the project on which the development is proposed. The safety of both bicyclists and pedestrians must be addressed in the design of the trail.

4. Maximum height: Refer to Port Angeles Zoning Code, Title 17, PAMC.

5. Special shoreline stabilization requirements: Shoreline stabilization shall be allowed only as demonstrably necessary for protection of existing structures and roadways. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring. See also provisions in Chapter 4.

6. Other standards: Structures, including fences, poles, and shelters, shall be located and designed to minimize ecological and visual impacts.

Segment J. Boat Haven Reach.

Figure 7B. Section of HI-M facing the harbor (removed).

In this segment, vegetative restoration or mitigation for development resulting in unavoidable impacts to vegetation on parcels where a VCA has not been designated shall be focused on shorelines east of the Boat Haven Marina, particularly the portion of the shoreline along the Valley Creek Estuary, where feasible; see Chapter 3. Utilization of the west side of the Valley Creek Estuary for restoration or mitigation is contingent upon execution of a formal agreement (conservation easement, etc.) between the property owner and party proposing mitigation or restoration. Such agreement shall ensure access to and maintenance of the utilized area, and guarantee preservation of the utilized area in perpetuity. If an agreement meeting the conditions outlined above cannot be reached, compensatory mitigation shall occur on the same parcel where the unavoidable impact occurs or through other measures established in this SMP.

1. Vegetation Conservation Area width and conditions: A 50-foot minimum width is required for new non-water-dependent uses. As a condition for new non-water-dependent development, the VCA must be planted with native vegetation as approved by the Shoreline Administrator. The Shoreline Administrator will base vegetation enhancement requirements on the likely survivability of new planting and maximizing beneficial ecological functions. Water-dependent uses may be developed within the VCA and setback.
Note: Setbacks and VCA requirements do not apply to jetties in the Boat Haven Marina.

2. **Structure setback and conditions:** A 50-foot minimum setback from the OHWM for non-water-dependent uses. Water-dependent uses may be built within the setback.

3. **Public access requirements:** Public access shall be provided as a condition of non-water-oriented development where feasible. The public access shall be at least 8 feet wide and meet ADA accessibility requirements.

Where public access is not feasible along the shoreline, improvements to pedestrian/bicycle trails of equal or more dollar value may be substituted. Where public access is not feasible among the shoreline, the project applicant may also satisfy public access by paying the City a monetary fee equivalent to the cost of the otherwise required trail along the shoreline, provided the City has a program to construct public access improvements with those funds.

4. **Maximum height:** Refer to the Port Angeles Zoning Code, Title 17 PAMC.

5. **Special shoreline stabilization requirements:** New or enhanced shoreline stabilization may be allowed if necessary to prevent shoreline erosion or to support existing or permitted new water-dependent uses. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

6. **Other standards:** Water-related and water-enjoyment uses may be developed within the VCA and setback if they are part of a marina or similar boating facility. (Applies to HI-M designation only). All development within the VCA and setback must minimize adverse impacts to ecological functions.
3. **High-Intensity Urban Uplands (HI-UU) Environment (Segments K, M and N)**

   a. **Purpose**
   The purpose of the High-Intensity Urban Uplands (HI-UU) Environment is to manage uses on sites within 200 feet of the OHWM shoreline jurisdiction that are physically and functionally separated from the shoreline by a public right-of-way or public property and do not have direct access to the water. Areas separated from the shoreline that are predominantly single family residential are not included in this designation.

   b. **Designation Criteria**
   A High-Intensity Urban Uplands Environment designation will be assigned to shorelands featuring or planned for a variety of uses and within City jurisdiction that are physically and functionally separated from the shoreline by a public right-of-way or public property. Public streets or portions of the streets separating the environment designations are included in the HI-UU Environment as described below. The HI-UU designation is a parallel designation that has no physical connection to the water.

   1. **Segment K.** Area south and east of the Valley Creek estuary, including the Marine Drive and Front Street rights-of-way adjacent to the estuary. The centerline of Valley Street is the western boundary of the HI-UU Environment. The west edge of Cherry Street (extended north) is the eastern boundary of the HI-UU Environment.

   2. **Segment MN.** Areas east of Lincoln Street to approximately the west edge of Vine Street extended, excluding bluff areas, west boundary of the Rayonier site (Ennis Creek Reach).

   3. **Segment N.** Privately owned parcels south of the Olympic Discovery/Waterfront Trail or south of the top of the marine bluff, from the west edge of the Race Street right of way east to the east edge of shoreline jurisdiction on the hospital property are included in the Urban Upland designation.

   c. **Management Policies**

   1. Uses in the High-Intensity Urban Uplands Environment should be limited to those that do not conflict with water-oriented activities and public access on the shoreline.

   2. New development should not substantially diminish visual and physical public access.

   3. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be provided through shorelands with this designation to public access points by incorporating shoreline management provisions (see Chapter 6, Definitions), as well as undertaking other measures such as street and pathway...
improvements. Shoreline management provisions Development should be included to improve the visual aesthetic qualities of shorlands in this environment and consider the views from public properties and substantial numbers of adjacent residences.

d. Environment-Specific Development Regulations Designated HI-UU

<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment K</td>
<td>N/A</td>
<td>N/A from the OHWM (see zoning code)</td>
<td>30 feet</td>
</tr>
<tr>
<td>Segment M</td>
<td>N/A</td>
<td>N/A from the OHWM (see zoning code)</td>
<td>35 feet</td>
</tr>
<tr>
<td>Segment N</td>
<td>50 foot marine bluff buffer</td>
<td>15 feet from the landward edge of the 50 foot marine bluff buffer</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are typically measured from the shoreline in a width landward of and perpendicular to the OHWM; however, because the HI-UU shorelands are physically separated from the water, VCA’s are measured differently. The VCA in segment N reflects the 50 foot marine bluff buffer required by the critical areas provisions in Chapter 3.

Viewing towers or other public access points may be allowed only on street ends or other publically owned sites. In Segment K, new development and redevelopment shall maintain the City sidewalk with street trees along Marine Drive.

Segment N properties separated from the shoreline by Waterfront Trail or marine bluff.

Segment K Valley Creek Estuary

Figure 8. HI-UU portions of segments K, M and N east of Peabody Street to the west edge of the Rayonier site (Francis Street Reach), and HI-UU at Valley Creek Estuary (removed).

1. Vegetation Conservation Area width and conditions:
   a. Reach K. Area is physically and functionally separated from shorelines and do not require a VCA.
   b. Reach N. The VCA extends from the OHWM to the top of bluff (area designated UC-R). No new significant vegetation removal (see definitions in Chapter 6) is allowed within the VCA. Legal structures existing at the time of adoption of this SMP and within the setback or VCA are considered conforming. Measures for protection of environmentally sensitive areas (marine bluffs, geologic hazard areas, wetlands) are found in Title 15 PAMC.

2. Structure setback and conditions: See Chapter 3., Section 5, Geologically Hazardous Areas where applicable. Areas without environmentally sensitive
areas shall meet setback requirements established in PAMC Title 17 for the underlying zone.

3. **Public access requirements:** Physical improvements are not required.

4. **Maximum height:** Refer to the Port Angeles Zoning Code, Title 17 PAMC.
4. **High-Intensity Mixed-Use (HI-MU) Environment (Segments L and O)**

a. **Purpose**
   The purpose of the High-Intensity Mixed-Use (HI-MU) Environment is to provide for a wide variety of urban uses and activities supporting vibrant shoreline areas as a key component of Port Angeles’ character and quality of life. This designation accommodates public access and high-intensity water-oriented commercial, transportation, public access, institutional, and recreational uses especially appropriate to downtown Port Angeles or other mixed-use sites while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

b. **Designation Criteria**
   A High-Intensity Mixed-Use Environment designation will be assigned to shorelands on Port Angeles’s downtown waterfront and the former Rayonier Mill site that have the potential currently to support or are suitable and planned for a variety of high-intensity water-oriented uses related to commerce, transportation, navigation, or and recreation.

c. **Management Policies**
   1. Development in the High-Intensity Mixed-Use Environment should be managed so that it enhances and maintains the shorelines for public access and a variety of urban uses, with priority given first to water-dependent uses then to water-related uses and water enjoyment oriented uses.
   2. All new development should provide public access or otherwise enhance the public’s enjoyment of the shoreline.
   3. New development should protect and, where feasible, restore shoreline ecological functions, with Restoration should be emphasized particular emphasis on Ennis Creek in segment O, on creating habitat for priority species and on environmental clean-up.
   4. Visual access to the water and aesthetics should be considered in establishing height and bulk limits for new development.
   5. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be provided to public access points.
   6. Development in shoreline areas should be compatible with surrounding uses, the level of infrastructure and services available, and other comprehensive planning considerations. Shoreline management provisions (see Chapter 6, Definitions) should be established to improve the visual qualities in this environment and the views from public properties and substantial numbers of residences.

d. **Environment-Specific Development Regulations Designated HI-MU**
Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are measured from the shoreline in a width landward of and perpendicular to the OHWM.

### Segment L. Downtown Waterfront

**Figure 9. Downtown segment Section of HI-MU downtown (segment L) (removed).**

VCA’s have not been applied in Segment L where there is little vegetation to conserve and most of the shoreline consists of facilities extending past the shoreline and out into the water (Railroad Avenue Esplanade, Coho Ferry Landing, Landings Mall). While no VCA is assigned to this shoreline segment, parcels with frontage on waters regulated by the SMP shall preserve existing native vegetation within shoreline jurisdiction to the extent feasible and in accordance with the regulations and allowances in Chapter 3, section 12. Existing street trees in this segment shall be maintained. New street trees shall be included with any new development or redevelopment.

1. **Vegetation Conservation Area and structure setback width and conditions**: None.

2. **Public access requirements**: A public access walkway at least 12 feet wide shall be provided along the shoreline. The Shoreline Administrator may allow the dimensions to be reduced or another means of providing public access if:
   - i. providing such public access is not feasible due to the needs of water-dependent uses or the configuration of the property or facility involved, or
   - ii. the Shoreline Administrator determines that another means of providing public access is in the public interest in terms of SMA objectives, or
   - iii. there is unavoidable conflict between public access and a water-dependent use.

3. **Maximum height**: Refer to the Port Angeles Zoning Code, Title 17 PAMC.

4. **Special shoreline stabilization requirements**: New shoreline stabilization measures are allowed only as needed to support or protect a water-oriented use, existing structure, or public structure. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

5. **Other standards**: Water-oriented uses are required on the ground floor of building facades facing the shoreline. (See Figure 9.)

Public shoreline views shall be protected by the use of measures, including but not limited to:

- i. Decreasing the area of upper stories commensurate with increasing height.
- ii. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-

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<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment L</td>
<td>N/A</td>
<td>N/A</td>
<td>45 feet</td>
</tr>
<tr>
<td>Segment O</td>
<td>100 feet</td>
<td>100 feet</td>
<td>45 feet</td>
</tr>
</tbody>
</table>

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dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

iii. Buildings shall incorporate architectural features that reduce scale such as building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.

iv. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.

v. Utilities and accessory structures shall be designed and installed in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

vi. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.

vii. Fences, walls, hedges and other similar accessory structures shall be limited to four (4) feet in height between the ordinary high water mark and primary structures.

Segment O  Western Ennis Creek Reach (Former Rayonier Site) (removed)

Figure 10. Rayonier/Ennis Creek segment of HI-MU (segment O).

Throughout this SMP’s public input update process and during previous planning for the former Rayonier Mill Site, the public has consistently indicated that the future of this parcel is a particularly important shoreline management issue because it provides a unique opportunity for a variety of shoreline uses. As of the date of this SMP’s adoption, there are a number of uncertainties regarding the future of the site. SMP provisions must be flexible to accommodate a wide array of possibilities while implementing objectives of the Shoreline Management Act. However, some specific standards are appropriate necessary for the purposes of evaluating cumulative impacts and determining when a shoreline variance is triggered. The following principles shall be used as guidance in reviewing proposals for the segment.

1. Vegetation Conservation Area and structure setback width and conditions: Development and significant vegetation removal is not allowed within the Vegetation Conservation Area adjacent to Ennis Creek. The VCA shall be sufficiently wide to effectively protect and restore applicable shoreline ecological processes and functions.

2. Public access requirements: Development must include opportunities for the public to enjoy the unique attributes of the shoreline and the retention or enhancement of the Olympic Discovery/Waterfront Trail. Opportunities for a direct, safe, maintainable, trail route closer to the water shall be explored.

3. New non-water-dependent development must be setback sufficiently and separated from the marine shoreline OHWM and a VCA established to provide for the protection and the restoration of ecological processes and functions. As a default, the setback/vegetation conservation area shall be 100 feet from OHWM
unless scientific studies indicate that a lesser setback is sufficient to maintain the same level of ecological functions.

4. Water-dependent development may intrude into the setback/VCA along the marine shoreline provided that development does not cause unmitigated adverse impacts to ecological functions. Development within the shoreline shall be permitted in a manner that minimizes intrusions into the setback/VCA.

5. Maximum height: 45 feet.

6. Special shoreline stabilization requirements: Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

7. Other standards: Ennis Creek

   • Although Ennis Creek is not regulated under RCW 90.58, as a shoreline of the state, development standards shall be consistent with the Ennis Creek Restoration Plan, dated March 15, 2010.

   • Tidal influence in Ennis Creek extends approximately 600 feet south of the creek mouth based on the elevation established for the OHWM.

   • Ennis creek is a Type 3 stream and requires a 75-foot buffer measured from the OHWM per PAMC 15.20.070(2).

In this segment, development shall not encroach on the VCA or setback adjacent to the tidally influenced portions of Ennis Creek without a variance, unless such development is for the purposes of public access or ecological restoration. In the remainder of the segment, VCA and setback encroachments may be authorized in accordance with Chapter 3, section 12.

Opportunities for moving or providing spurs off the Olympic Discovery/Waterfront Trail to the shoreline shall be explored.

Public shoreline views shall be protected by the use of measures, including but not limited to:

i. Decreasing the area of upper stories commensurate with increasing height, minimizing building heights and total lot coverage, maintaining open space between buildings, and clustering buildings to allow for broader view corridors.

ii. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

iii. Buildings shall incorporate architectural features that reduce scale such as building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.

iv. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
v. Utilities and accessory structures shall be designed and installed in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

vi. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.

vii. Fences, walls, hedges and other similar accessory structures shall be limited to four (4) feet in height between the ordinary high water mark and primary structures.
5. **Urban Conservancy-Low Intensity (UC-LI) Environment (Segments A and G)**

a. **Purpose**
   The purpose of the Urban Conservancy-Low Intensity (UC-LI) Environment is to protect and restore ecological functions, open spaces and other sensitive lands while allowing some low-impact intensity uses. This environment protects shoreline areas that include relatively intact or minimally degraded shoreline functions when compared to the rest of the shoreline areas in the City.

b. **Designation Criteria**
   An Urban Conservancy-Low Intensity environment designation will be assigned to shorelands that are designated Open Space in the City’s Comprehensive Plan, and are located along active drift cells, feeder bluffs, wetlands, or other areas that should not be more intensively developed, and which retain important ecological functions, even though partially developed.

c. **Management Policies**
   1. Uses in the Urban Conservancy-Low Intensity Environment should be limited to those which do not substantially degrade ecological functions or the natural character of the shoreline area. Development and uses that would substantially degrade or permanently are non-conservative (i.e., do not deplete habitat over time) of the shoreline area’s or the physical and or biological resources and uses that do not substantially degrade ecological functions or the natural character of the shoreline area should not be allowed.
   2. Rehabilitation of existing degraded shoreline conditions, including habitat enhancement and environmental clean-up, is a preferred action. Developments and uses that would substantially degrade or permanently deplete habitat or the physical or biological resources of the area should not be allowed.
   3. Shoreline restoration, including habitat enhancement and environmental clean-up, is a preferred action.
   4. During development and redevelopment, all reasonable efforts should be taken to restore ecological functions. Restoration should be required of all non-water-dependent development on previously developed shorelines.
   5. Construction of new structural shoreline stabilization and/or flood control works should not be allowed except where there is a documented need to protect existing utilities, public safety, or ecological functions.
   6. New development should be designed and located to preclude the need for structural shoreline stabilization or flood control during the projected lifetime of the development.
37. Activities or uses that include significant removal of shoreline vegetation would cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should not be allowed.

d. Environment-Specific Development Regulations

<table>
<thead>
<tr>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment A</td>
<td>200 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>Segment G</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Segment A. Ocean View Reach City Transfer Station and Ocean View Cemetery (removed)

Figure 11. Ocean View segment of UC-LI (segment A).

No new structures are allowed within this segment, except for shoreline stabilization structures necessary to protect existing utilities and address erosion at the closed municipal landfill site, in accordance with the provisions in Chapter 3.

Segment G. Wetlands Between Marine Drive and Hill Street (removed)

Figure 12. Wetland segment of UC-LI (segment G).

Segment G is an associated wetland; see the critical areas provisions in Chapter 3 for additional requirements applying to this segment. Only the wetland is contained within shoreline jurisdiction (not its buffer). No new structures are allowed within this segment, with the exception of public access structure(s).

The regulations for wetlands apply and are found in Chapter 3, Section 6, Wetlands, and in PAMC Chapter 15.24.

1. Vegetation Conservation Area and structure setback: 200 feet, except for those structures necessary to protect existing utilities and prevent erosion of landfill site or for public access uses provided that there is no significant impact to ecological functions. No significant vegetation removal is allowed within the VCA.

2. Maximum structure height: N/A

3. Special shoreline stabilization requirements: Structural shoreline stabilization allowed only to protect existing utilities and structures necessary to prevent erosion or leaching of landfill materials. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

Portion of Ocean View reach designated UC-LI (removed)

   a. **Purpose**
   The purpose of the Urban Conservancy-Recreation (UC-R) Environment is to protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. **Restoration activities are a preferred action in this designation.**

   b. **Designation Criteria**
   An Urban Conservancy-Recreation Environment designation will be assigned to shorelands that include public parks, designated trail corridors, and areas especially suited to public access and water-oriented recreation that is compatible with maintaining or restoring the ecological functions of the area, ecological protection and enhancement. The UC-R designation is a parallel designation waterward of a different designation in at least portions of segments F, K, M, N and P. Lands planned for park uses or resource conservation areas with no existing residential or other land uses should also be designated Urban Conservancy-Recreation.*

   *The Urban Conservancy Recreation environment east of Ennis Creek, on the former Rayonier Site extends from the OHWM to the top of the marine bluff with the exception of the Lees Creek sub-reach (see description in table below).

   c. **Management Policies**
   1. Water-oriented recreational uses, and public access and cultural or educational uses are preferred over non-water-oriented uses. Water-dependent recreational uses should be given highest priority.
   2. Commercial activities specifically supporting or catering to enhancing the public’s use or enjoyment of publicly accessible shorelines, such as food and beverage or boating concessions, may be allowed appropriate if set back from the shoreline to allow for public access and ecological restoration.
   3. Water-dependent and water-enjoyment recreation facilities compatible with the protection of ecological functions, such as boating facilities, angling, wildlife viewing, trails and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
   4. During development and redevelopment, efforts should be taken to restore ecological functions.
   5. The continuity of trail systems, including the Olympic Discovery/Waterfront Trail, should be maintained. Improvements that provide greater access and safety along the trail system are encouraged.
d. Environment-Specific Development Regulations Designated UC-R

<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>D (facing the Strait)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>D (facing the Harbor)</td>
<td>OHWM to the waterward extent of new structural road foundation</td>
<td>15 feet (see below)</td>
<td>15 feet</td>
</tr>
<tr>
<td>E</td>
<td>200 feet</td>
<td>200 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>K</td>
<td>Waterward edge of Marine Drive/Front Street</td>
<td>Waterward edge of Marine Drive/Front Street</td>
<td>40 feet (viewing tower only, see below)</td>
</tr>
<tr>
<td>M</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>N</td>
<td>To the top of the marine bluff</td>
<td>50 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>P</td>
<td>To the top of the marine bluff</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are measured from the shoreline in a width landward of and perpendicular to the OHWM. A VCA has not been applied along the Strait side of Segment D where vegetative enhancement is not likely to be compatible with maintenance of the existing large rock stabilizing the outer shoreline of Ediz Hook. A VCA has not been applied along Segment M which is a narrow stretch of shoreline containing the Olympic Discovery Trail, and where little to no vegetation exists and the shoreline is heavily armored. If no VCA is assigned to a shoreline segment, parcels with frontage on waters regulated by the SMP shall preserve existing native vegetation within shoreline jurisdiction to the extent feasible and in accordance with the regulations and allowances in Chapter 3, section 12.

Segment D. Ediz Hook Reach

*Figure 130. Section of UC-R on Ediz Hook (segment D) looking northeast (removed).*

In this segment, no new structures are allowed along the north side of Ediz Hook Road (portion of segment facing the Strait). Along the portion of the segment facing the Port Angeles Harbor, only structures that directly support water dependent shoreline recreational uses shall be authorized.

In the portion of this segment facing the Port Angeles Harbor, the City anticipates widening Ediz Hook Road to the south to facilitate trail improvements or public access. The VCA extends from the OHWM to the waterward extent of any structural road foundation necessary to widen the road.

The preference for public access improvements in this segment is a continuous pedestrian and bicycle trail along the south edge of Ediz Hook Road. The safety of both bicyclists and pedestrians must be addressed in the design of the trail.

Fences, poles and shelters shall be located and designed to minimize visual impacts.
Overwater structures are prohibited in this segment.

**Urban Conservancy-Recreation on Ediz Hook Facing the Strait**

1. Vegetation Conservation Area and structure setback width and conditions: The VCA and structure setback extends from the OHWM to the edge of road or trail pavement. The road may be widened for public access or limited parking provided impacts to shoreline functions are mitigated. One rest stop, view point, or picnic area deck up to 200 square feet in area each may be constructed within the setback for every 1200 linear feet of shoreline.

2. Public access requirements: Visual access to the shoreline shall not be blocked except as necessary for shoreline stabilization.

3. Maximum structure height of deck or other public access improvement: 15 feet above grade for enclosed structures.

4. Special shoreline stabilization requirements: Repair of shoreline stabilization measures is permitted. Environmental mitigation such as beach enhancement or large woody debris placement may be required if shoreline stabilization is enlarged and such mitigation is feasible. (See definition of feasible in Chapter 6.)

5. Other standards: Structures, including fences, poles, and shelters shall be located and designed to minimize ecological and visual impacts.

**Urban Conservancy-Recreation on Ediz Hook Facing the Harbor**

1. Vegetation Conservation Area and structure setback width and conditions: VCA extends from the OHWM to the furthest extent of the structural road foundation. The road may be widened for pedestrian and bicycle trail improvements and parking, provided adverse impacts to shoreline functions are mitigated. Within the setback and VCA, service structures, rest stops, and public access amenities up to 200 square feet in area each may be constructed within the setback and VCA for every 1200 linear feet of shoreline.

2. Public access requirements: As a condition of any roadway improvement, a continuous public access bicycle and pedestrian trail must be constructed along the road. The trail must be at least 8 feet wide with an ADA-accessible paved surface. The safety of bicyclists and pedestrians must be addressed in the design of the trail.

3. Maximum structure height: 15 feet above grade for enclosed structures.

4. Special shoreline stabilization requirements: New or expanded shoreline stabilization may be permitted only to protect the existing road section and utilities or to support ecological restoration. Non-structural measures shall be used where feasible. Soft-structural shoreline measures such as bioengineering or placement of large woody debris shall be used in preference to harder shoreline structures. Where structural shoreline stabilization is required, it should be placed as near to the roadway as possible and away from the shoreline.
5. **Enclosed structures:** Enclosed structures for non-water-oriented uses are prohibited in this segment.

6. **Ecological Restoration:** Ecological restoration shall be required as part of any development project in this segment.

7. **Other standards:** Structures, including fences, poles, and shelters, shall be located and designed to minimize ecological and visual impacts.

8. **Overwater structures:** The development of overwater structures are prohibited in this segment.

Southern shoreline of Ediz Hook designated UC-R. The offshore concrete structure was removed in 2012 (removed).

Segment F. Shorelines Along the Lagoon Designated UC-R

*Figure 14.* Section of UC-R along the south shoreline of the lagoon (removed).

No new structures are allowed within this segment, except for shoreline stabilization structures necessary to protect existing utilities or a public access boardwalk or paths, in accordance with the provisions in Chapter 3.

A trail from Marine Drive to the shoreline west of Ediz Hook is the preferred type of public access in this segment. Any trail or similar public access shall follow the existing Industrial Water Line (IWL) route as closely as is feasible. The design of public access facilities shall include measures to protect private industrial infrastructure and facilities.

1. **Vegetation Conservation Area and structure setback width and conditions:** 200 feet from OHWM. Public access trails, utilities, and existing streets and parking areas may be allowed in the VCA and setback.

2. **Public access requirements:** A trail from Marine Drive to the shoreline west of Ediz Hook may be allowed in this segment.

3. **Maximum height:** N/A. Structures should not be permitted in this segment.

4. **Special shoreline stabilization requirements:** No shoreline stabilization allowed except as necessary to protect existing structures or as part of shoreline restoration. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

Segment K. Valley Creek Estuary designated UC-R

*Figure 15.* Section Portion of UC-R in the harbor (Valley Creek Estuary Park segment K) (removed).

Public viewing towers and Friendship Bridge are the only structures permitted in this segment, and may be permitted within the VCA and setback without a variance in accordance with Chapter 3. Non native plant materials may be used within landscaped portions of the park where special use requirements exist.

Any development in this segment shall maintain the continuous public access pathway/pedestrian walkway that serves as the Olympic Discovery/Waterfront Trail.
1. Vegetation Conservation Area and structure setback width and conditions: 70-foot minimum VCA and setback for non-water oriented structures or uses, and parking. Existing structures may remain and be improved within the VCA/setback. In public parks, non-native plant materials may be used where horticultural conditions or special use requirements exist.

2. Public access requirements: Provide a continuous public access pathway or pedestrian walkway that connects to the Olympic Discovery/Waterfront Trail.

3. Maximum height: Refer to the Port Angeles Zoning Code, Title 17 PAMC.

4. Special shoreline stabilization requirements: New shoreline stabilization is allowed only as necessary to support water dependent uses, protect existing structures or for shoreline restoration. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

Segments M and N. Francis Street Reach Designated UC-R

Figure 16. Section of UC-R east of Peabody Street to the west edge of the Rayonier site (removed).

As outlined above, a VCA has not been applied along Segment M. Segment M primarily consists of a narrow stretch of shoreline containing the Olympic Discovery Trail where little to no vegetation exists and the shoreline is heavily armored. There is no setback in this segment because the trail encompasses the majority of the segment with this designation, and no new structures are allowed. In segment N, the VCA extends from the OHWM to the top of the marine bluff. New structures are limited to Francis Street Park only. The Olympic Discovery/Waterfront Trail must be maintained in these segments.

1. Vegetation Conservation Area and structure setback width and conditions: VCA extends from the OHWM to the top of the marine bluff. All Shorelines designated UC-R in this segment are in the VCA and structure setback. Utilities and public trails and other public appurtenances (e.g., interpretive signs & benches) are permitted in the VCA/Setback.

2. Public access requirements: A continuous public trail must be maintained within the UC-R environment in this segment.

3. Maximum height: Refer to the Port Angeles Zoning Code, Title 17 PAMC

4. Special shoreline stabilization requirements: New or expanded shoreline stabilization may be permitted to protect public improvements and existing utilities or to support ecological restoration only. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

Segment P. Lee’s Creek and East Urban Growth Area Designated UC-R

Figure 17. Section of UC-R and SR east of the Rayonier site (removed).

In segment P, the VCA extends from the OHWM to the top of the marine bluff. Adjacent to the Lee’s Creek subreach where there is no bluff, the VCA extends to the landward boundary of any landslide hazard areas. New structures are prohibited in the UC-R designated portion of Segment P.
The Olympic Discovery/Waterfront Trail must be maintained in this segment.

1. **Vegetation Conservation Area width and conditions**: The VCA extends from OHWM to top of bluff. No significant vegetation removal (including tree thinning) is allowed in the VCA.

   **Exemption**: Vegetation management for view enhancement (including tree thinning, but not tree topping) may be allowed if a certified arborist, landscape architect or biologist with expertise in shoreline ecology certifies that the vegetation removal (with mitigation) will not cause adverse ecological impacts. Tree thinning for view enhancement shall be limited to no more than 30% of any tree’s live crown.

2. **Structure setback and conditions**: See Chapter 3., Section B., Policy 5, Geologically Hazardous Areas. Legal structures existing at the time of adoption of this SMP and within the setback or VCA are considered “conforming.”

3. **Public access requirements**: A public trail shall be maintained along the shoreline.

4. **Maximum height**: Refer to the Port Angeles Zoning Code, Title 17 PAMC

5. **Special shoreline stabilization requirements**: Bluff walls are prohibited. New or enlarged shoreline stabilization is allowed only as necessary to protect public improvements or for ecological restoration. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

Segment east of Ennis Creek designated UC-R (removed)
7. Shoreline Residential (SR) Environment (Segments B, F, N and P)

a. Purpose
The purpose of the Shoreline Residential (SR) Environment is to allow residential
development, and uses and allowing residential redevelopment while protecting
structures and ensuring that the existing ecological functions are not diminished and
avoiding foreseeable risk to residential structures from hazardous geological conditions.

b. Designation Criteria
A Shoreline Residential Environment designation will be assigned to shorelands that
exist as single-family residential developments or are planned and platted for residential
development. The SR designation is a parallel designation, and with the exception of
segment B has no physical connection to the water.

c. Management Policies
1. Development Minimum frontage width standards in the Shoreline Residential
Environment should be set to protect the shoreline ecological functions, taking into
account the environmental limitations and sensitivity of the shoreline area, the level
of infrastructure and services available, and other comprehensive planning
considerations.

2. Development standards for setbacks or buffers, shoreline stabilization, vegetation
conservation, critical areas protection, and water quality should be established to
protect and, where significant ecological degradation has occurred, restore
ecological functions over time.

3. Passive water-oriented recreational uses and public access should be allowed
where feasible and where they do not cause significant ecological impacts.

4. Standards for new residential use, development, and redevelopment should protect
human safety and ensure that new development will not require structural shoreline
stabilization or flood protection during the projected lifetime of the development.

d. Environment-Specific Development Regulations Designated SR

<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment B</td>
<td>Marine bluff plus 50 feet landward from the edge of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer/VCA</td>
<td>35 feet</td>
</tr>
<tr>
<td>Segment F</td>
<td>50 feet landward from the top of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer</td>
<td>35 feet</td>
</tr>
<tr>
<td>Segment N</td>
<td>50 feet landward from the top of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer</td>
<td>35 feet</td>
</tr>
<tr>
<td>Segment P</td>
<td>50 feet landward from the top of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer</td>
<td>35 feet</td>
</tr>
</tbody>
</table>
Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are typically measured from the shoreline in a width landward of and perpendicular to the OHWM. The SR designation occurs on shorelands upland of the UC-R designation in segments F, N and P. In these segments, the SR designation begins at the top of the marine bluff. In the Lee’s Creek subreach (segment P), the SR designation begins at the waterward lot lines of the subject parcels. In accordance with critical area provisions in Chapter 3, the VCA in these areas reflects the required marine bluff and/or associated buffer (or landslide hazard area in the Lee’s Creek subreach).

Segment B. West Bluffs Reach Designated SR

*Figure 185. Segment B; section of SR west of Ediz Hook (removed).*

New development shall be setback from the top of the marine bluff by a minimum of 65 feet (50 foot marine bluff buffer plus 15 feet). See Chapter 3 for additional critical area provisions.

Public access viewing areas may be developed in unopened street ends. Development that provides access to the shoreline from bluff-top properties in this segment is prohibited.

1. **Vegetation Conservation Area width and conditions:** From OHWM to 50 feet landward from top of bluff. Significant vegetation removal is not allowed within the VCA.

2. **Structure setback and conditions:** See Chapter 3, Section 5, Geologically Hazardous Areas. Legal structures existing within the setbacks or VCA at the time of adoption of this SMP are considered “conforming.”

3. **Public access requirements:** Physical improvements are not required.

4. **Maximum structure height:** Refer to the Port Angeles Zoning Code, Title 17 PAMC.

5. **Special shoreline stabilization requirements:** No shoreline stabilization is permitted except to protect existing utilities or for ecological restoration. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring. Bluff walls are prohibited.

Segment F. Shorelines Along the Lagoon Designated SR

*Figure 19. Section of SR in segment F.*

Segment N. SR Properties Separated From Shoreline by Trail or Bluff

*Figure 20. Section of SR in segment N.*
New development shall be setback from the top of the marine bluff by a minimum of 65 feet (50 foot marine bluff buffer plus 15 feet).

Public access viewing areas may be developed in unopened street ends. The Olympic Discovery/Waterfront trail shall be maintained along the shoreline in the parallel UC-R designation.

Segment P. Lee’s Creek and East Urban Growth Area Designated SR

Figure 46.21. Section of UC-R and SR east of the Rayonier site in segment P (removed).

As outlined above, the SR designation occurs on shorelands upland of the UC-R designation in segment P. The SR designation begins at the top of the marine bluff; because the Lee’s Creek subreach is a delta and lacks a true marine bluff, the SR designation begins at the waterward lot lines of the subject parcels. In accordance with critical area provisions in Chapter 3, the VCA in these areas reflects the required marine bluff buffer, or the landslide hazard area in the Lee’s Creek subreach.

New development shall be set back 15 feet from the top (landward boundary) of the marine bluff buffer, or 15 feet from the top of any landslide hazard area in the Lee’s Creek subreach.

Public access viewing areas may be developed in unopened street ends. The Olympic Discovery/Waterfront trail shall be maintained along the shoreline in the parallel UC-R designation.

1. Vegetation Conservation Area width and conditions: The VCA extends from OHWM to 50 feet landward of top of bluff. No significant vegetation removal is allowed in the VCA.

   Exemption: Vegetation removal (including tree thinning for view enhancement) may be allowed only when a certified arborist or biologist with expertise in shoreline ecology certifies that the vegetation removal (with mitigation) will not cause significant ecological impacts.

2. Structure setback and conditions: See Chapter 3., Section 5, Geologically Hazardous Areas. Legal structures existing at the time of adoption of this SMP and within the setback or VCA are considered “conforming.”

3. Public access requirements: The Olympic Discovery/Waterfront trail shall be maintained along the shoreline.

4. Maximum height: Refer to the Port Angeles Zoning Code, Title 17 PAMC.

5. Special shoreline stabilization requirements: Bluff walls are prohibited. New or enlarged shoreline stabilization is allowed only as necessary to protect public improvements or for ecological restoration. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring.

6. Minimum lot width: The minimum width of lots created after the adoption date of this Master Program is 100 feet measured parallel to the shoreline.
8. **Aquatic-Harbor (A-H) Environment**

a. **Purpose**
The purpose of the Aquatic-Harbor (A-H) Environment is to facilitate water dependent uses and restoration of ecological functions of appropriate areas within the Port Angeles Harbor. Waters and submerged lands within the Port Angeles Harbor are heavily used for commercial and recreational navigation, industrial activities and public access.

b. **Designation Criteria**
An Aquatic-Harbor Environment designation will be assigned to the area waterward of the OHWM within Port Angeles Harbor which include submerged lands lying westward of the city limit line extending from the easternmost tip of Ediz Hook southward to the Port Angeles city limits at the shoreline as of January 1, 2011. This designation excludes the lagoon at the base of Ediz Hook.

c. **Management Policies**
1. New overwater structures should be prohibited except for water-dependent uses, mixed-use structures with water-dependent uses, public access, or ecological restoration, unless otherwise specified for a particular segment of adjacent shorelands.
2. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use. Overwater structures should be configured and located so as to avoid and reduce impacts to ecological functions or critical saltwater habitats.
3. Provisions for the Aquatic-Harbor Environment should be directed toward accommodating appropriate water-dependent uses while maintaining ecological functions and restoring habitat for priority aquatic species.
4. All developments in the Aquatic-Harbor Environment should be located and designed to minimize interference with surface navigation, minimize impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that cause significant ecological impacts to critical saltwater and freshwater habitats should not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts should be mitigated according to the sequence defined in Chapter 3., Section B., Policy 7.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
6. Development of underwater pipelines and cables below the OHWM should include adequate provisions to ensure against substantial damage to the environment.
78. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with the provisions of this program.

9. Aquaculture within the Aquatic Harbor Environment should be allowed only if it does not result in significant adverse impacts to ecological functions, tribal fishing rights, navigation, or visual quality.

840. Environmental clean-up of waste materials and remediation of contaminated sediments in the Aquatic-Harbor Environment is encouraged.
9. Aquatic-Conservancy (A-C) Environment

a. Purpose
The purpose of the Aquatic-Conservancy (A-C) Environment designation is to protect and enhance the natural unique characteristics and functions of the areas waterward of the ordinary high water mark outside the Port Angeles Harbor.

b. Designation Criteria
An Aquatic Conservancy (A-C) designation will be assigned to areas waterward of the OHWM submerged lands below OHWM which are Marine waters outside of Port Angeles Harbor within the City’s Shoreline jurisdiction extending to the international border. The lagoon at the base of Ediz Hook is included in the Aquatic Conservancy designation.

c. Management Policies
1. Except for special situations involving a public benefit and water-dependent activities associated with the U.S. Coast Guard base on Ediz Hook, overwater structures should not be allowed.
2. Diverse public access opportunities to water bodies should be encouraged provided they are compatible with protection of the shoreline ecology.
3. Aquaculture practices should not be allowed.
4. In appropriate areas, fishing and recreational uses of the water should be protected against competing water dependent uses that would interfere with these activities.
5. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish and animals, particularly those whose life cycles are dependent on such migration.
6. Overwater structures, shoreline stabilization, and dredging should not be allowed except as necessary to protect legal development or to restore or protect shoreline resources.
7. Development of underwater pipelines and cables should not be allowed except when upland alternatives exist. When permitted, such facilities where adverse environmental impacts can be shown to be less than the impact of upland alternatives; when permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment.
8. Abandoned and neglected structures that could cause adverse ecological or visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with the provisions of this program.

*Figure 22-47. Aquatic Harbor and Aquatic Conservancy Environments (removed).*
Amend subsection C.1 for consistency with WAC 173-26-211 (4)(a)(iii) and (iv); WAC 173-26-211 (5)(c)(ii); WAC 173-26-191 (2)(a)(ii); WAC 173-26-201 (2)(d); Chapter 2 section B of the locally adopted SMP; WAC 173-26-241 (2)(b), (3)(b), (3)(d), (3)(f), and (3)(i); Chapter 5 section B of the locally adopted SMP; and WAC 173-26-251 (3)(c).

C. Shoreline Use and Modification Matrices

1. Shoreline Use Matrix

The following matrix (Table 1) indicates the uses allowed in specific shoreline environments. Where there is a conflict between the matrix and the written provisions in Chapters 2, 3, 4, or 5 of this SMP, the written provisions shall apply. The numbers in the matrix refer to footnotes, which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

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<td>P</td>
<td>P</td>
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</tbody>
</table>

*P = The use may be permitted
*C = The use may be permitted as a conditional use
*X = The use is prohibited
**SHORELINE USE**

| Government facility—Water-Dependent | P | P | P | P | X | X | X | P | C |

**SHORELINE USE**

| Parking | P | P | P | P | P^2 | X | P^2 | P | X | X |
| Parking (accessory) | X | X | X | X | X | X | X | X | P |
| Parking (primary, including paid) | X | X | X | X | X | X | X | X | P |

**Recreation:**

| Water-dependent | P | P | P | P | P^3 | P | P | P | P |
| Water-enjoyment | P | P^6 | P | P | P | P | P | P | X |
| Non-water-oriented | P^13 | P^6 | P^12 | P^4 | X | P^4 | X | P^11 | X |
| Public Access | P | P | P | P | P | P | P | P | P |

**Residential:**

| Single-family residential | X | X | P | X | X | X | P | X | X |
| Multifamily residential | X | X | P | C | X | X | P | X | X |
| Land subdivision | P | P | P | P | P | P | P | P | X |

**Signs:**

| On-premises | P | P | P | P | P | P^5 | X | P | X |
| Off-premise | X | X | X | X | X | X | X | X | X |
| Public, highway | P | P | P | P | P | X | X | X | X |

**Transportation:**

| Water-dependent | P | P | P | P | C | P | X | P | C |
| Non-water-oriented | P^2 | P^2 | P^12 | P | X | C | P | X | X |
| Roads, railroads | P^2 | P^2 | P^12 | P^2 | X | P^2 | P | X | X |
### Shoreline Use Matrix Notes:

1. Only park concessions and uses that enhance the opportunity to enjoy publicly accessible shorelines may be allowed.

2. Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the City.

3. Only passive activities that require little development with no significant adverse impacts may be allowed.

4. Non-water-oriented uses may be allowed only (a) where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or the underlying land use classifications in the comprehensive plan or (b) as part of a mixed-use development with water-dependent uses.

5. Land division may be allowed only where the City determines that it is for a public purpose.

6. Signs may be allowed only for public facilities and accessory uses within them.

7. Roadways and public utilities may be allowed only if there is no other feasible alternative, as determined by the City, and all adverse impacts are mitigated.

8. Small-scale water-oriented fabrication and processing, such as repair of hand-launched boats and custom fish processing, may be allowed only where the City determines there are no significant adverse impacts.

9. May be allowed only as an accessory use to an otherwise allowed use.

10. May be allowed only if the development and use do not cause significant ecological impacts.

11. Allowed only as an accessory use to water-dependent uses and where the development is also adjacent to a High-Intensity—Mixed-Use upland environment.

12. May be allowed only if separated from the shoreline (OHWM) by a public right-of-way, trail, or public access walk.

13. Special provisions for the Ennis Creek area (former Rayonier Mill site).

14. Uses may be allowed in the aquatic environments if they are indicated as “may be permitted” in both the applicable aquatic environment and the adjacent upland environment. Uses may be allowed as a conditional use if indicated as “the use may be permitted as a conditional use” in both the applicable aquatic environment and the adjacent upland environment.

15. Marinas that include dry-land boat storage require a conditional use permit.

16. Log handling and processing of forest products are allowed in the HI-I and HI-M environments. Water-dependent log handling may be allowed in the AQ-H environment adjacent to the HI-I and HI-M environments. See Chapter 5.C., Regulations 15 through 26.

17. Residential uses may be allowed in the HI-MU environment only when located above an approved ground-floor use.
### Table 1. Shoreline Use Matrix

P = The use may be permitted  
C = The use may be permitted as a conditional use  
X = The use is prohibited  
NA = Not applicable

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<thead>
<tr>
<th>SHORELINE USE</th>
<th>High-Intensity-Industrial</th>
<th>High-Intensity-Marine</th>
<th>High-Intensity-Urban Uplands</th>
<th>High-Intensity-Mixed-Use</th>
<th>Urban Conservancy: Low Intensity</th>
<th>Urban Conservancy: Recreation</th>
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</table>
**SHORELINE USE Matrix Notes:**

1. Only park concessions and recreational uses that enhance the opportunity to enjoy publicly accessible shorelines may be allowed.
2. Parking as a primary use is prohibited within shoreline jurisdiction with the exception of in segment L (see chapter 3, section 7).
3. Only passive activities that require little development with no significant adverse impacts may be allowed.
4. May be allowed only as part of a mixed-use development with water dependent uses, or on a site that is physically separated from the shoreline by another property or public right of way.
5. Land division may be allowed only where the Administrator determines that it is for a public purpose.
6. Signs may be allowed only for public facilities and accessory uses within them.
7. Roadways and primary utilities may be allowed only if there is no other feasible alternative, as determined by the Administrator, and all adverse impacts are mitigated per the mitigation sequence detailed in chapter 3, section 1.

8. Small-scale water-oriented fabrication and processing, such as repair of hand-launched boats and custom fish processing, may be allowed only where the Administrator determines there are no significant adverse impacts.

9. May be allowed in shoreline jurisdiction only if water-oriented (see chapter 5, section 6), and may be allowed in the Urban Conservancy-Low Intensity designation only if the development and use do not cause significant ecological impacts. These types of uses and developments are allowed over water only if they are water-dependent, provide public access, or include a restoration component.

10. See table 2 for moorage piles and mooring buoys.

11. Residential uses may be allowed in the HI-MU environment only when located above an approved ground floor use. See PAMC Title 17.

12. Log handling and processing of forest products are allowed in the HI-I and HI-M environments. See Chapter 5, §5, Regulations 14 through 26.

13. Allowed in the aquatic environment only if allowed in the nearest upland environment. With regard to aquaculture, uses with no upland components may be authorized in the aquatic designations regardless of the adjacent upland designation with a CUP.

14. Over-water or off-premise signs may only authorized if directional, informational or providing a public warning.
Amend subsection C.2 for consistency with WAC 173-26-211 (4)(a)(iii) and (5)(c)(ii); WAC 173-26-191 (2)(a)(ii); Chapter 4 section B of the locally adopted SMP; WAC 173-26-231 (2) and (3)(a); and WAC 173-26-241 (2)(b)(ii).

2. Shoreline Modification Matrix

The following matrix (Table 2) is the shoreline modification matrix. The matrix provides the permitted, conditional, and prohibited modifications in all shoreline environmental designations. The numbers in the matrix refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated modification. Where there is a conflict between the matrix and the written provisions in Chapters 2, 3, 4 or 5, the written provisions shall apply.

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</tbody>
</table>

Shoreline Modification Matrix Notes:

1. Allowed in the aquatic environment only if allowed in the nearest upland environment.
2. Allowed only to the extent necessary for construction and geometric requirements.
3. Dredged material disposal is by conditional use only.
4. Private, non-commercial mooring piles and buoys are prohibited.
5. Modification may be allowed waterward of the OHWM if it enhances ecological functions.
6. Dredging and dredged material disposal may be allowed as part of construction of an approved use within the Aquatic Environments (e.g., buried outfall). Dredge material disposal according to PSDDA management plan is an approved activity.
7. Bluff walls and similar measures may be allowed to protect public roadways and utilities.
8. Fill waterward of the OHWM that is for the purpose of restoring ecological functions or as part of a WDOE-approved environmental clean-up action is a permitted use and does not require a conditional use permit.

Table 3. Shoreline Modification Matrix

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<td>P</td>
<td>P</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Clearing and Grading</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>NA</td>
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<tr>
<td>Dredging</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>P</td>
<td>C4</td>
</tr>
<tr>
<td>Dredged material disposal</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C4</td>
<td>C4</td>
</tr>
<tr>
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<td>P</td>
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<td>P</td>
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<td>P</td>
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<td>P</td>
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</tr>
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<td>Fill</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>C6</td>
<td>C5</td>
<td>C5</td>
</tr>
<tr>
<td>Piers, docks</td>
<td>P</td>
<td>P</td>
<td>NA</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Moorage piles and mooring buoys</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>P2</td>
<td>C2</td>
</tr>
<tr>
<td>Outfalls</td>
<td>P</td>
<td>P</td>
<td>NA</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
</tbody>
</table>

Shoreline Modification Matrix Notes:
1. Specific to all methods of shoreline stabilization, and piers and docks - allowed in the aquatic environment only if allowed in the nearest upland environment.
2. Private, non-commercial mooring piles and buoys are prohibited.
3. Soft stabilization measures may be allowed waterward of the OHWM if they enhance or restore ecological functions.

4. Previously unauthorized dredging and dredged material disposal may be allowed as part of construction of an approved use within the Aquatic Environments (e.g., buried outfall). Dredge material disposal according to PSDDA management plan may be allowed without a CUP.

5. Fill waterward of the OHWM that is for the purpose of restoring ecological functions or as part of a WDOE-approved environmental clean-up action is a permitted use and does not require a conditional use permit, unless the proposed fill material includes dredge spoils.

### Table 3. Building Height Allowed by Shoreline Designation Summary

<table>
<thead>
<tr>
<th>Environment Designation</th>
<th>HI</th>
<th>HI-M</th>
<th>HI-UU</th>
<th>HI-MU</th>
<th>UC-LI</th>
<th>UC-R²</th>
<th>SR</th>
<th>AH</th>
<th>AC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum structure height allowed</td>
<td>75'</td>
<td>75¹</td>
<td>35'</td>
<td>45'</td>
<td>35'</td>
<td>35'</td>
<td>35'</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Notes:**

1. The High-Intensity Marine designation on the east end of Ediz Hook is limited to 35 feet.
2. Maximum structure height in UC-R environments on Ediz Hook is 15 feet.

### Chapter 3 – General Policies and Regulations

Amend section 1 (and move policies and regulations from section 7 to this section) for consistency with RCW 90.58.580, WAC 173-26-201 (2)(e)(i), WAC 173-26-221 (4)(d)(iv) and WAC 173-26-191 (2)(a)(ii).

1. **Generally Applicable Policies and Regulations**

General policies and regulations are applicable to all uses in all shoreline environments that may occur along the City's shorelines. The "policies" listed in this SMP will provide broad guidance and direction and will be used by the City in applying the "regulations." The provisions of this SMP shall be administered consistent with constitutional and legal limitations.

   a. **Applicability**

   The following policies and regulations describe the requirements that apply to all uses and development in all shoreline environment designations.

   b. **Policies**

   1. In order to encourage shoreline restoration, the City will implement Washington State House Bill 2199 Chapter 405, 2009 Laws, codified as RCW 90.58.580. The City may grant appropriate relief from SMP provisions to applicable properties all
along the City’s shorelines provided they meet the conditions of RCW 90.58.580 and the policies in this SMP. (see sidebar page 114)

2. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Program.

3. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Shoreline Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted will be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

4.2. The need to protect and restore shoreline ecological functions and to provide for water-dependent uses carries higher priority than protection of views. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access should have priority, unless there is a compelling reason to the contrary.

5. All adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible. Mitigation should be provided for any unavoidable impacts to ensure no net loss of ecological function.

c. Regulations

1. Except where specifically exempted by statute, all proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.

2. All proposed shoreline uses and development, including those that do not require a shoreline permit may be allowed only when consistent with the underlying City zoning, PAMC Title 17.

3. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this SMP. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.

4. Shoreline uses and modifications listed as "prohibited" shall not be eligible for consideration authorized as a shoreline variance or shoreline Conditional Use permit. See Chapter 5, Shoreline Use Provisions, for exemptions, variances, conditional uses, and nonconforming uses.

5. The provisions of this SMP shall not be administered in a manner that is inconsistent with constitutional and legal limitations.
6. Shoreline areas above the OHWM that are not assigned with an environment designation as described in Chapter 2 shall be classified with an Urban Conservancy—Recreation (UC-R) environment. Shoreline areas below the OHWM that are not assigned with an environment designation as described in Chapter 2 shall be classified with an Aquatic—Conservancy (Aq-C) environment.

57. Permit applicants shall submit management plans for detailing application of pesticides, fertilizers and other chemicals as part of the permit application. Plans shall indicate the pesticide to be used and assurance that use of the chemical is approved for the intended use and that the chemicals are applied per department of Agriculture or Department of Ecology regulations. The Shoreline Administrator will require the use of best management practices for fertilizer application in order to protect water quality. The public must be notified through announcements and on-site signage when chemicals are applied.

6. All shoreline uses and developments shall analyze the environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the Master Program and other applicable regulations. Where required, the City will apply mitigation measures in the following sequence of steps listed in order of priority, with (a) being top priority:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;
   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   d. Reducing or eliminating the impact over time by preservation and maintenance operations;
   e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
   f. Monitoring the impact and the compensation projects (from subsection e. above) and taking appropriate corrective measures.

7. The City may allow fee payment in lieu of physical compensatory mitigation measures provided:

   a. There is an established program to restore ecological functions using those funds;
   b. The funds are sufficient to provide mitigation so that there is no net loss of ecological function; and
c. There is a direct and demonstrated correlation between the impacted ecological functions and the restored functions that the fee will fund.

8. All shoreline development, uses, and activities shall be located, designed, constructed and managed in a manner which:

a. Minimizes adverse impacts to surrounding land and water uses and is aesthetically compatible with other existing or planned uses in the affected area;

b. Avoids disturbance of and minimizes adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes;

c. Minimizes interference with natural shoreline processes such as water circulation and sediment transport and accretion;

d. Avoids adverse impacts to public health and safety;

e. Minimizes the need for shoreline defense and stabilization measures and flood protection works, such as bulkheads, fill, levees, dikes, groins or substantial site regrades; and

f. Utilizes effective erosion control methods during both project construction and operation.

Amend section 2 for consistency with WAC 173-26-191 (2) and (2)(a)(ii), and WAC 173-26-221 (1).

2. Archaeological and Historical Resources and Sites

a. Applicability

1. The following provisions apply to standing historical structures, buildings, sites or districts and archaeological resources or sites that are either recorded at the Department of Archaeological and Historic Preservation, demonstrated or predicted by local jurisdictions, or have been discovered as part of a project action (for example the inadvertent discovery of a buried archaeological site during construction).

2. Archaeological sites located both within and outside of a shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records). Developments or uses that may impact such sites and shall comply with Chapters 25-46 and 25-48 WAC as well as federal historical preservation laws and the provisions of this SMP chapter. RCW 90.58.030.
b. Policies

1. Due to the limited and irreplaceable nature of historical and archaeological resources, public or private all shoreline uses, activities, and development should be prevented from adversely impacting, destroying or damaging any site having historical, cultural, scientific or educational value as identified by local, or State, or Tribal cultural resources or planning professionals and deemed worthy of protection and preservation as based upon professional standards.

2. The City’s shoreline contains archaeological resources and sites demonstrating nearly 3,000 years of habitation by the Klallam People. The City will plan accordingly and apply additional, appropriate measures to ensure that important archaeological sites are identified and protected.

3. Significant archaeological and historical resources should be permanently preserved for scientific study, education and public observation.

c. Regulations

1. City Planning Staff will shall review the information stated provided by the project applicant and consult in-house archaeological and historical reference materials, including but not limited to:
   - City of Port Angeles' Archaeological Predictive Model
   - Washington State’s online database of archaeological and historical resources (WISAARD).

2. Planning staff shall consult with the Lower Elwha Klallam Tribe on all shoreline projects with ground disturbing components.

3. Based upon the results of regulation 2 consultation with the Tribe, City planning staff or the authorized approval body may add require conditions be added to the project permit in order to require the identification and protection of historical and archaeological resources that might otherwise be adversely affected by the project. These conditions will adhere to standard and accepted professional cultural resources practices.

4. In addition to any other cultural resources preservation conditions that may be imposed on the a project, all shoreline permits must shall contain provisions that require developers and property owners to immediately cease work and notify the City Planning Department, Department of Archaeology and Historic Preservation and affected Indian Tribes if any items of possible archaeological interest are uncovered during excavations. In such cases, the developer or property owner shall be required to allow a site inspection and evaluation by an archaeologist meeting the federal secretary of the interior's standards for a professional archaeologist. The professional archaeologist shall ensure that any inadvertent archaeological discoveries are properly recorded, reported, and mitigated prior to the resumption of the disruptive process project.

5. The City may also require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
6. The City may deny a permit based upon archaeological conditions when the City determines that a site has significant archaeological, natural, scientific or historical value. A Substantial Development Permit No shoreline permit shall not be issued which would pose a threat to a significant archaeological site.

7. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 WAC 173-27-040 (2)(d) that necessitates rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations to obtain a substantial development permit. The City shall notify the State Department of Ecology, the State Attorney General’s Office, the State Historic Preservation Office, and the Lower Elwha Klallam Tribe of the exemption in a timely manner.

8. Historical or archaeological resources shall be included considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.

9. Interpretation of historical and archaeological features (e.g., informational or interpretive panels along trails) shall be provided as part of public projects when the Shoreline Administrator, in consultation with the Lower Elwha Klallam Tribe, determines that it is appropriate based on the sensitivity of the features, interpretive opportunities, and other relevant circumstances.

Amend section 3 to add reference to sole authority for managing critical areas within shoreline jurisdiction as required by WAC 173-26-221 (2), RCW 90.58.090 (4) and RCW 90.58.610; clarify incorporation by reference procedures and administrative provisions per WAC 173-26-191 (2)(a)(iii)(C) and (2)(b); and address critical areas as defined in WAC 173-26-221 (2)(a).

3. Critical Areas (General)

a. Applicability

The following policies and regulations apply to all critical areas within shoreline jurisdiction, as defined in the City of Port Angeles Environmentally Sensitive Areas Protection regulations (Title 15 PAMC), that are located in the shoreline jurisdiction. As outlined in Chapter 1, provisions in Title 15 pertaining specifically to fish and wildlife habitat areas, locally unique features and geologically hazardous areas (PAMC Chapter 15.20), wetlands protection (PAMC Chapter 15.24), and flood damage prevention (PAMC Chapter 15.12) shall be applicable along with regulations contained in this SMP. Modifications to the Environmentally Sensitive Area provisions in Title 15 PAMC as they apply in shoreline jurisdiction are detailed below.

The version of the City’s Environmentally Sensitive Areas Protection regulations referenced in this document shall refer to those codified by ordinance #2655 and #2656, dated November 29, 1991 and most recently amended by ordinance #3367 dated September 15, 2009 (Appendix B).

b. Policies
1. Protect unique, rare, and fragile environments, including marine bluffs, stream ravines, wetlands and fish and wildlife habitat conservation areas, from impacts associated with shoreline use and development.

2. Locate and design shoreline uses and development to minimize risks to people, property, and critical areas associated with geologically hazardous areas, and frequently flooded areas, and tsunami zones.

3. Provide a level of protection to shoreline-specific critical areas within shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. To achieve this policy, the City has incorporated appropriate portions of its Environmentally Sensitive Areas Protection regulations into this SMP by reference.

c. **Regulations**

   Critical areas Environmentally sensitive areas in shoreline jurisdiction are regulated by the Port Angeles Environmentally Sensitive Areas Protection regulations, codified under Title 15 PAMC, which is herein incorporated into this SMP by reference, except for the following exceptions noted as modified below.

1. If provisions of the Environmentally Sensitive Areas Protection regulations and other parts of the SMP conflict, the more specific regulation provisions determined by the City to be the most protective of the ecological resource shall apply.

2. Provisions of the Environmentally Sensitive Areas Protection regulations that are not consistent with the Shoreline Management Act, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction. In particular:

   a. The provisions of the Environmentally Sensitive Areas Protection regulations do not extend the shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing portions of critical area buffers that are outside the shoreline jurisdiction, see Environmentally Sensitive Areas Protection regulations, Chapters 15.20 and 15.24 PAMC.

   ab. Provisions of the Environmentally Sensitive Areas regulations that include a “reasonable use determination exception” shall not apply within shoreline jurisdiction. Specifically, Sections 15.20.080.(A)(1), (3) and (6), and 15.24.070.(E), PAMC, as amended, do not apply. Such requests shall require a shoreline variance.

   be. Provisions of the Environmentally Sensitive Areas Protection regulations relating to variance procedures and criteria do not apply in shoreline jurisdiction. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, PAMC Title 2.52 shall not apply.
Variance procedures and criteria have been established in this SMP, Chapter 7 Section D and in Washington Administrative Code WAC 173-27-170.4.

c. Provisions of the Environmentally Sensitive Areas Protection provisions relating to nonconforming activities do not apply in shoreline jurisdiction, specifically Section 15.24.090 PAMC. Nonconforming use and development provisions have been established in this SMP, Chapter 7 Section F.

3. Provisions in the Environmentally Sensitive Areas Protection regulations pertaining specifically to critical saltwater habitats (Section 15.20.070.D PAMC), geologically hazardous areas (Sections 15.20.070.B and 15.20.070.C PAMC), and wetlands (Chapter 15.24 PAMC) shall not apply. Regulations for these critical areas are stated in Sections 3.B.4, 5 and 6, below. The provisions of the Environmentally Sensitive Areas Protection regulations do not extend the shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing portions of critical areas and buffers that are outside the shoreline jurisdiction, see Environmentally Sensitive Areas Protection regulations, Chapters 15.20 and 15.24 PAMC.

Amend section 4 to address critical saltwater habitats as required in WAC 173-26-221 (2)(iii); clarify incorporation by reference procedures and administrative provisions per WAC 173-26-191 (2)(a)(iii)(C) and (2)(b); and include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP per WAC 173-26-191 (2)(a)(ii).

4. Critical Areas (Critical Saltwater Habitats and Habitat Areas for Priority Species and Species of Concern)

   a. Applicability
   For the purposes of this SMP, critical saltwater habitats shall include the those defined in WAC 173-26-221 (2)(c)(iii)(A) and the Washington State Department of Fish and Wildlife criteria. These criteria includes: Kelp beds, eelgrass beds, fish spawning and holding areas for herring, sand lance and smelt, juvenile salmonid migration corridors, spawning beds, settlement and nursery areas for sole, rockfish, and lingcod, subsistence, commercial, and recreational shellfish beds, mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association as "critical saltwater habitat". Habitat Areas for Priority Species and Species of Concern are addressed in Section 15.20.070 D of the PAMC. Priority Habitats and Priority Species are defined in chapter 6. Areas of containing Priority Habitats and Species have been identified in map series 14 in the Shoreline Inventory, Analysis and Characterization section that accompanies this SMP Report, dated June 2012 (Appendix C).

   b. Policies
   1. Protect critical saltwater habitats in recognition of their importance to the marine ecosystem of the City of Port Angeles and the State of Washington.
2. Water-dependent uses, including recreational facilities, marinas, transportation facilities, and some utility crossings may be permitted in some critical saltwater habitats, provided that on-site and/or off-site mitigation is provided so that the proposed activity or structure will not result in a net loss of ecological functions or habitat.

3. Protect the composition of the beach and bottom substrate. Ecological functions of marine shorelines can affect the viability of critical saltwater habitats. Therefore, uses and developments on shorelands within or adjacent to aquatic areas the shoreline jurisdiction where critical saltwater habitats exist should avoid directly or indirectly changing the composition of the beach and bottom substrate except for environmental restoration or for uses permitted under this SMP. Encourage re-establishment of natural erosion and sediment transport processes should be encouraged.

4. Avoid adverse impacts to critical saltwater habitats by appropriately locating and designing Shoreline uses and developments should be located and designed to avoid adverse impacts to critical saltwater habitats.

5. The inclusion of commercial shellfish aquaculture in the critical saltwater habitat definition should not limit its regulation as a use.

6. Impacts to habitat supporting priority species and species of concern should be avoided and minimized to ensure such populations do not decline and so that populations of recreationally important species are maintained. Measures specific to protection of priority habitats and species, such as Marbled Murrelet, should be considered as conditions of permit approval.

c. Regulations

1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, bridges, underwater parks, utility crossings, and shoreline modifications, and other human-made structures shall not intrude into or be built over critical saltwater habitats, unless the applicant shows that all of the following criteria conditions have been met:

   a. The use preference listing in RCW 90.58.020 for uses in Shorelines of Statewide Significance shall have been adhered to.
   
      • Recognize and protect the statewide interest over local interest;
      • Preserve the natural character of the shoreline;
      • Result in long term over short term benefit;
      • Protect the resources and ecology of the shoreline;
      • Increase public access to publicly owned areas of the shorelines;
      • Increase recreational opportunities for the public in the shoreline;
      • Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
b. The public’s need for such a development or use is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020.

c. An alternative alignment or location on the applicant’s property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose. This shall be documented through an alternatives analysis as part of the application process shall be required for a non-exempt project proposed within critical saltwater habitats.

d. The project is consistent with the state and local interests in resource protection and species recovery.

e. Impacts to critical saltwater habitat functions are avoided and mitigated to result in equal or better no net loss of ecological function.

Development that prevents the natural erosion and transport of sediment, thereby adversely impacting a critical saltwater habitat, is prohibited unless all of the above criteria a through d can be met.

2. Except as a habitat improvement or restoration measure when associated with an authorized use, development or restoration project, aquatic herbicide and pesticide treatments, and mechanical removal of vegetation, and aquatic pesticide treatments shall not be used on occur in or over critical saltwater habitats.

3. Sand, gravel, or other materials shall be neither added to nor removed from critical saltwater habitats, except when part of an approved restoration effort or beach nourishment program authorized use, development or restoration project or as allowed in Regulation 1 above.

4. New outfalls (including storm water and sewer outfalls) and discharge pipes shall not be located in critical saltwater habitats or in areas where outfall or discharge will adversely affect critical saltwater habitats or water quality unless the applicant can show that all of the following criteria have been met:

   a. There is no alternative location for the outfall or pipe;
   b. The outfall or pipe is placed below the surface of the beach or bed of the water body;
   c. The outfall discharges waterward of the intertidal zone;
   d. The disturbed area will be revegetated with site appropriate plants;
   e. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients in the discharge and currents, do not adversely affect critical saltwater habitats and water quality.

5. Until a comprehensive inventory of critical saltwater habitat is done, prior to construction, all overwater and near-shore developments shall conduct an inventory of the project site and adjacent beach sections to assess the presence of critical saltwater habitats. The methods and extent of the inventory shall be consistent with accepted research methodology. New studies inventories may not be
developed required only where when the Administrator determines that existing information and studies or inventories are current, is inadequate, and were conducted as required and document compliance with all of the regulations set forth above or does not exist.

6. Habitat Areas, Priority Species and Species of Concern shall be protected in accordance with Section 15.20.070 D of the PAMC, as incorporated into this SMP. Studies, reports and/or habitat management plans as required by that section may also address the critical saltwater habitat provisions outlined above, where the two critical areas overlap or exist concurrently. Where these areas overlap with vegetation conservation areas as identified in chapter 2 and described in section 12 of this chapter, required plans or studies may be combined as long as all provisions required by both sections are addressed.

Amend section 5 to address geologically hazardous areas as required in WAC 173-26-221 (2)(ii); clarify incorporation by reference procedures per WAC 173-26-191 (2)(b); and include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP per WAC 173-26-191 (2)(a)(ii).

5. Critical Areas (Geologically Hazardous Areas)

a. Applicability

Geologically hazardous areas are areas susceptible to severe erosion, slide activity, or other geologic events. In Along the Port Angeles shoreline, high marine bluffs are the most visible type of geologically hazardous area, although seismic, tsunami, and erosion other hazards also exist.

The more severe hazard areas are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety. Vegetation removal from sites within or adjacent to during construction and development of adjacent properties unstable slopes alters surface runoff and groundwater infiltration patterns, which can lead to increased slope instability.

A certain level of erosion of shorelines and marine bluffs is natural to the Puget Sound area. Erosion from “feeder bluffs” is a primary source of sand and gravel found on beaches, including accretion beaches (gravel bars, sand spits, and barrier beaches).

b. Policies

1. Ensure that New development or the creation of new lots does not cause any foreseeable risk from geological conditions to people or improvements during the expected life of the development.

2. Permit development in such a manner that, and only in locations where, no slope protection (e.g., bulkheads, riprap, retaining walls, etc.) is necessary or and where nonstructural protection (e.g., shoreline setbacks) is sufficient for the life of the structure (at least 75 years).

c. Regulations
Regulations for geologically hazardous areas are set forth in the shoreline-specific Environmentally Sensitive Areas Protection regulations (Chapter 15.20 PAMC) as incorporated into this SMP. Note that, in addition to the setbacks from hazard areas applied therein, vegetation preservation conservation within these areas shall be required by Chapter 3 as outlined in Section 12 Vegetation Conservation of this chapter.

Additional standards for marine bluffs (i.e., slopes greater than 45 degrees that exceed a vertical height of 10 feet within the marine shorelines jurisdiction) are presented below.

1. Development on properties adjacent to marine bluffs shall observe a 50-foot marine bluff buffer as established in Section 15.20.070 (B)(2) PAMC, as incorporated into this SMP. In addition, a 15-foot setback for all structures is required from the landward edge of the marine bluff buffer. No development shall be allowed closer than 65 feet from the top of a marine bluff without a variance, unless otherwise allowed in Section 12 of this chapter.

2. Applicants proposing that would require a variance for development within 65 feet of the toe of adjacent to a marine bluff with a slope greater than 45 degrees (1:1 vertical to horizontal) and a height greater than 10 feet from the toe of the slope as outlined above shall be required to submit a geotechnical engineering report, prepared in accordance with the requirements of this SMP and the shoreline-specific Environmentally Sensitive Areas Protection regulations when development is proposed within 200 feet from the OHWM Title 15, PAMC.

The geotechnical engineering report shall:

- be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington specialty license in engineering geology as specified in RCW 18.220.
- be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington specialty license in engineering geology as specified in RCW 18.220,
- be professionally stamped,
- be based upon the best available science,
- consider existing and proposed uses,
- include risks of slope failure,
- include coastal erosion rates over at least 75 years, based in part on anticipated sea level rise and storm frequency.
- document how, and include a certification that the proposed structure will not be in danger from erosion for at least 75 years
- recommend a marine bluff setback at least equal to the annual erosion rate times 75 years plus 20 feet.
• include vegetation enhancement and low impact development measures that might be used as a means of reducing undesirable erosion,
• address the requirements outlined in PAMC 15.20.060 (C), and
• outline how the proposal meets all of the variance criteria in chapter 7 of this SMP.

All proposed development on a marine bluff or in the required setback shall be prohibited, except minor development to provide public access (e.g., public trails, stairs, or viewpoints), provided that impacts are mitigated and the development can be shown to be safe.

2. All habitable structures shall be set back from the top of the bluff so that the structure is not threatened by erosion for at least 75 years or the life of the building, whichever is longer. Additionally, habitable structures shall be set back at least the minimum distance noted in Chapter 2, Section B., Environmental Designation Provisions.

3. Surface drainage shall be directed away from marine bluffs. When no other solution is feasible, surface drainage piping may be located on the face of a steep slope when contained in a tight line (closed, nonleaking pipe) properly secured to avoid erosion caused by movement of the pipe, and designed in such a way that erosion will not be exacerbated at the base of the bluff and that physical access along the shoreline is not degraded. Furthermore, conditions may be applied to mitigate for aesthetic or habitat impacts of drainage systems as viewed from public areas.

4. See Section Chapter 4.C.2 for limitations provisions relating to shoreline stabilization measures.

5. Development (stair towers or other structures) built over the marine bluff face to the shoreline is prohibited.

6. Vegetation management for viewshed enhancement and hazard tree removal may be allowed, as authorized by the Administrator. In addition to the standards in Section 15.20 PAMC (as incorporated into this SMP), best pruning and management practices as established by the Tree Care Industry shall be followed, no cut vegetation may remain on the bluff face, and exposed soils shall be stabilized immediately after the completion of work.

Amend section 6 for consistency with definitions in WAC 173-26-020; to address wetlands as required in WAC 173-26-221 (2)(i); clarify incorporation by reference procedures per WAC 173-26-191 (2)(b); and include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP per WAC 173-26-191 (2)(a)(ii).

6. Critical Areas (Wetlands)

a. Applicability

1. Wetlands in shoreline jurisdiction shall be protected in accordance with Chapter
15.24 PAMC. Modifications to Chapter 15.24 PAMC as it will be applied in shoreline jurisdiction are outlined below.

Wetlands are classified as critical areas in the Shoreline Master Program Guidelines, WAC 173-26-221. All critical areas outside of the shoreline jurisdiction are regulated pursuant to PAMC Chapter 15.20 and 15.24. All development proposals in shoreline areas, whether on public or private property, shall comply with the requirements of this SMP section. The Administrator or his/her designee shall utilize the procedures and rules established in the City of Port Angeles Environmentally Sensitive Areas Protection ordinance, Chapter 15.24 PAMC, to implement the provisions of this section. Development proposals include any project which would require any of the following:

a. Building permit for any construction;
b. Clearing and grading permit;
c. Any shoreline permit (Substantial Development, Conditional Use, or Variance) as authorized under Chapter 90.58 RCW and this Shoreline Master Program;
d. Subdivision, short subdivision, or planned residential development; or
e. Conditional or unclassified land use permit.

2. Wetlands permitting process and administration: Procedures for wetland permitting process and administration are described in PAMC Chapter 15.24.060.

3. Wetlands Designation and mapping: Pursuant to WAC 197-11-908, the City designates wetlands as critical areas as defined in Chapter 15.24 PAMC.

4. Wetlands — Classification guidelines/ratings.

a. Wetland classification shall be established based upon the completion of a delineation report prepared by a qualified wetland specialist to determine boundary, size, and category type. Guidelines for preparing a wetland delineation report are defined in Section 15.24.040(C) PAMC and the U. S. Army Corps of Engineers (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).

b. Wetland Ratings: Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the "Washington State Wetland Rating System for Western Washington", revised April 2004 (Ecology Publication No. 04-06-025, or as revised and approved by Ecology). These documents contain the definitions and methods for determining if the criteria below are met.

5. Wetlands — Regulated activities

a. The following activities in a wetland and/or its associated buffer shall be regulated pursuant to the requirements of Chapter 15.24 PAMC. The regulated activities are as follows:
i. Removing, excavating, disturbing or dredging materials of any kind;

ii. Dumping, discharging or filling with any material;

iii. Draining, flooding or disturbing the water level or water table;

iv. The driving of pilings;

v. The placing of obstructions to hydrologic conditions;

vi. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure. Repair of a previously existing structure or infrastructure is exempt where the existing square footage or foundation footprint is not altered;

vii. Destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading or planting vegetation that would alter the character of a wetland;

viii. Activities from construction or development that result in significant ecological impact to physical, chemical, or biological characteristics of wetlands.

b. Activities listed in Section 1 which do not result in alteration to a wetland and/or its associated buffer may require permanent fencing along the outside perimeter of the buffer.

c. Earth disturbing activities listed in Section 1 may require erosion control measures.

c. The following provisions apply to all wetlands delineated according to the most recent version of the (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).

b. Policies

1. All wetlands should be protected from alterations which adversely impact them so to ensure there is no net loss of wetland acreage and functions. The greatest protection should be provided to wetlands of exceptional resource value, defined as those wetlands that include rare, sensitive or irreplaceable systems such as:

   a. Documented or potential habitat for an endangered, threatened or sensitive species;

   b. High-quality native wetland systems;

   c. Significant habitat for fish or aquatic species as determined by the appropriate state resource agency;

   d. Diverse wetlands exhibiting a high mixture of wetland classes and subclasses;

   e. Mature forested wetland communities;

   f. Estuarine wetlands, kelp beds or eelgrass beds.
2. Wetland buffers zone consistent with the requirements of PAMC 15.24.065 should be maintained between a wetland and any adjacent development to protect the functions and values of the wetland. All activities which potentially affect wetland ecosystems should be controlled within both the wetland and the buffer zone to prevent adverse impacts.

3. No wetland alteration should be authorized unless it can be shown that the impact is unavoidable, necessary, and minimized and that any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands.

4. Wetland restoration, creation and enhancement projects should result in increased wetland acreage and/or improved wetland functions.

5. Wetland restoration, creation and enhancement projects should be completed prior to wetland alteration, where possible. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.

6. Applicants should develop comprehensive mitigation plans in order to ensure long term success of the mitigation project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.

7. Applicants should demonstrate sufficient scientific expertise, supervisory capability and financial resources to complete and monitor the mitigation project.

8. Proposals for wetland restoration, creation or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.

9. The City does not intend to deny all economic use of any property subject to these policies and regulations, except as the public trust doctrine would limit the use of the property. This policy will be implemented through the appropriate application of the following:

- project design standards;
- mitigation; and
- transfers of development rights.

c. Regulations

1. General

a. For identifying and delineating a wetland, applicants shall use Section 15.24.040(C) PAMC and the most recent edition of the U. S. Army Corps of Engineers (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). Wetland delineations are valid for five years.

b. For the purpose of this document, the definition of wetland is:

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence
of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

c. For the purpose of this document, the definition of hydric soils shall not apply. The definition of hydric soil shall be derived from the language in the Corps of Engineers Wetland Delineation Manual and the U. S. Army Corps of Engineers (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).

No development or activity including removing or disturbing soil, filling, changing the water level, placing obstructions to hydrologic flows, constructing a structure, destroying or altering vegetation or introducing pollutants may be permitted within a wetland associated with the shoreline or its buffer unless authorized by a shoreline conditional use permit.

e. Development or activities in the shoreline jurisdiction shall not be authorized in a wetland except where it can be demonstrated that:

i. The impact is both unavoidable and necessary;

ii. Unavoidable and necessary impacts are minimized, and any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands at equivalent or greater resource value, including acreage and function per the requirements of PAMC 15.24.070;

iii. The restored, created or enhanced wetland shall be as persistent as the wetland it replaces; and

iv. The applicant demonstrates sufficient scientific expertise, supervisory capability and financial resources to carry out the proposed replacement activity.

dd. For wetlands of exceptional resource value Category 1 & 2 wetlands, the applicant, in addition to complying with the provisions above, shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.

e. Wetlands - Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the
The wetland rating system determines wetland buffers and replacement ratios. Wetland ratings using the system outlined in regulation 1f above shall result in wetland categories as outlined below, instead of those categories found in Section 15.20.040 (D)(1) PAMC. Additionally, the wetland functional assessment process as outlined in Section 15.24.045 PAMC does not apply in shoreline jurisdiction.

Washington State Four-Tier Wetlands Rating System:

i. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in undisturbed coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

ii. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre; (3) disturbed coastal lagoons or (4) wetlands with a moderately high level of functions (scoring between 51 and 69 points).

iii. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

iv. Category IV wetlands have the lowest levels of functions (scoring fewer than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

g. For purposes of the SMP, the definition of regulated wetlands in Section 15.24.020 (Y) excludes the statement “Regulated wetlands do not include Category II and III wetlands less than 2,500 square feet and Category IV wetlands less than 10,000 square feet.” In shoreline jurisdiction, all wetlands shall be regulated regardless of size.
a. Wetland buffers as required in PAMC 15.24.070 C shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation is required. Developments and activities shall not be allowed within the buffer except for:

i. Activities outlined in Section 15.24.050 (B) PAMC, except for Class IV general Forest Practices, which shall be regulated by this chapter, provided such activities comply with SMP mitigation sequencing requirements in section 1 of this Chapter and result in no net loss of shoreline ecological function. Timber harvesting with associated development activity involving land conversions from Forest Use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this Ordinance including the maintenance of buffers, where required. If harvest or development is proposed within an Environmentally Sensitive Area or its buffer, a habitat management plan is required.

ii. Activities outlined in Section 15.24.050 (A)11 of the PAMC, provided such activities comply with mitigation sequencing requirements in section 1 of this Chapter and result in no net loss of shoreline ecological functions. Limited trail spurs to the water’s edge, when located and designed consistent with the mitigation sequence, shall be permitted.

iii. Section 15.24.070 (C)(7)(a) shall not apply in shoreline jurisdiction.

iv. Standard wetland buffer width averaging as outlined in Section 15.24.070 (C)(4)(e) PAMC shall be limited to 25% of the standard buffer width. Buffer width reduction provisions described in Section 15.24.070 (C)(3) shall not be used to reduce buffers for low intensity land uses. Buffer width averaging and buffer width reductions, as described in Section 15.24.070 (C)(3) shall not be used together.

b. The location of all required buffer zones shall be clearly and permanently marked on any project site prior to initiation of site work.

3. Mitigation and Development.

a. Mitigation shall be as required in the City's Wetland Protection Ordinance, Section 15.24.070 PAMC. However, the wetland mitigation ratios in Section 15.24.070 (H)(6)(b) shall not apply in shoreline jurisdiction, the compensatory mitigation ratios below shall apply. If provisions b. through h. below contradict the Wetland ordinance the more restrictive shall apply. In-kind replacement of functions and values shall be provided, unless it is found that in-kind replacement is not feasible or practical due to the characteristics of the existing wetland and a greater environmental benefit can be demonstrated by an alternative method. In such cases, substitute resources of equal or greater ecological value shall be provided.
b. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available technology.

c. On-site replacement shall be provided, unless it is found that on-site replacement is not feasible or practical due to physical features of the property and a greater environmental benefit can be demonstrated by an alternative method. In such cases, replacement shall occur within the same watershed and proximity.

bd. Except as noted in regulation 2.e. below, at a minimum in shoreline jurisdiction, wetlands acreage shall be replaced at a the following ratio of (acreage replaced to acreage lost) of 1.25:1. For wetlands of exceptional resource value, the minimum acreage replacement ratio shall be 6:1. Actual replacement acreage will be determined case-by-case, based on the following criteria:

i. Projected losses or gains in wetland functions and value;

ii. Location of replacement wetlands;

iii. The time required to reestablish lost functions;

iv. The uncertainty of the probable success of the project;

v. The type of compensation (enhancement proposals shall require twice the acreage replacement as restoration and creation proposals); and

vi. Wetland type and category being impacted.

<table>
<thead>
<tr>
<th>Category and Type of Wetland</th>
<th>Creation or Re-establishment</th>
<th>Rehabilitation</th>
<th>Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I: Bog, Natural Heritage site</td>
<td>Not considered possible</td>
<td>Case by case</td>
<td>Case by case</td>
</tr>
<tr>
<td>Category I: Mature Forested</td>
<td>6:1</td>
<td>12:1</td>
<td>24:1</td>
</tr>
<tr>
<td>Category I: Based on functions</td>
<td>4:1</td>
<td>8:1</td>
<td>16:1</td>
</tr>
<tr>
<td>Category II</td>
<td>3:1</td>
<td>6:1</td>
<td>12:1</td>
</tr>
<tr>
<td>Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>8:1</td>
</tr>
<tr>
<td>Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>6:1</td>
</tr>
</tbody>
</table>
e. Acreage replacement may be authorized at 1:1 where it is found through special studies coordinated with agencies with expertise, or through advance compensation, that no net loss of wetland function results.

f. Replacement wetlands shall be completed prior to or concurrent with wetland alteration, and immediately after activities that will temporarily disturb a wetland or its functions.

g. A compensation plan shall be required for developments or activities which result in unavoidable and necessary wetland alterations. The plan shall include the following elements:

i. Baseline information for the impacted wetland and the proposed replacement site;

ii. Environmental goals and objectives describing the purposes of the mitigation measures, a description of the site selection criteria and identification of target evaluation species and resource functions;

iii. Performance standards including specific criteria for fulfilling goals and objectives of the compensation plan and for beginning remedial action or contingency measures;

iv. Detailed construction plan including but not limited to, work schedule, revegetation information, buffers, estimated cost, and site plan with boundaries of work site, contours and elevations;

v. Monitoring program outlining the approach for assessing a completed project over a ten-year period. A monitoring report shall be submitted annually, at a minimum documenting milestones, success, problems and contingency actions; and

vi. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

c. Buffer impacts shall be mitigated at a ratio of 1:1.

d.h. Where restoration, creation or enhancement activities are proposed, the applicant shall be required to:

i. File a performance bond or other approved security in an amount equal to no less than 150% of the estimated cost of the compensation plan. The cost shall include the estimated amounts associated with fulfillment of the compensation project, monitoring program, and any contingency measures; and

ii. Compensation areas shall be permanently protected through legal instruments such as sensitive area tracts, conservation easements or a comparable use restrictions.

3. Buffers

a. Wetland buffers shall be established as required in 15.24.070 of the Port Angeles Wetlands Protection Ordinance. In the event that PAMC 15.24 is altered or modified, the following standards shall apply, at a
minimum:

i. Wetland buffers shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation is required. Developments and activities shall not be allowed within the buffer except for:

ii. Minor activities which are found to have no adverse impact on the wetland functions or integrity;

iii. Stormwater management facilities having no feasible alternative location outside of the buffer and which meet the requirements of the most current edition of the Stormwater Management Manual for Western Washington; or

iv. Linear developments having no feasible alternative location outside of the buffer.

b. The location of all required buffer zones shall be clearly and permanently marked on any project site prior to initiation of site work.

Amend section 7 (moved to section 1) to ensure it is clear that this section applies to all uses generally to all shoreline areas without regard to environment designation – per WAC 173-26-191 (2)(a)(ii)“include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP”.

7. Avoiding Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction.

b. Policies

1. All adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.

c. Regulations

1. All shoreline development shall be located and constructed to avoid locally-specific adverse impacts to human health and safety.

2. Mitigation sequencing. When applying mitigation to avoid or minimize adverse effects and ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
e. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

f. Monitoring the impact and the compensation projects (from subsection e. above) and taking appropriate corrective measures.

3. Exception to the sequencing noted above: The City may provide for or allow mitigation of an environmental impact through a comprehensive mitigation program such as a mitigation banking program if such mitigation measures will result in a greater benefit in terms of ecological functions and values. Such a program must be based on a comprehensive analysis of ecological systems provided by the Inventory, Characterization and Analysis report and Restoration Plan accomplished as part of this SMP.

Mitigation banking (advance compensatory mitigation — see definition in Chapter 6) must be designed and implemented to achieve no net loss of ecological functions and address identified critical or priority ecological deficiencies within the area authorized. Comprehensive mitigation banking programs may depart from the mitigation ratios in PAMC 15.24.070(6)(b)(iii) if the compensatory measures are demonstrated to be sufficient to address no net loss of ecological functions.

4. The City may allow fee payment in lieu of physical compensatory mitigation measures provided:

a. there is an established program to restore ecological functions using these funds;

b. the funds are sufficient to provide mitigation so that there is no net loss of ecological function; and

c. there is a direct and demonstrated correspondence between the impacted ecological functions and the restored functions that the fee will fund.

Amend section 8 for consistency with parking standards in WAC 173-26-241 (3)(k); this also clarifies per WAC 173-26-191 (2)(a)(iii)(B) and its citations that uses specifically prohibited in the master program cannot be authorized through conditional use or variance permits. These changes work in tandem with changes to the matrix in Chapter 2 subsection C.1 clarifying that accessory parking, versus parking as a primary use, may be authorized in most shoreline environment designations under certain conditions. Regulation 4 was removed because it is not necessary to accomplish requirements in the SMP Guidelines, and Ecology was concerned with the potential need for variances if parking lot landscaping requirements could not be met or were modified by the Administrator.

78. Parking
a. Applicability

Parking is the temporary storage of automobiles or other motorized vehicles and/or trailers. The following provisions apply only to parking that is "accessory" to a permitted shoreline use unless otherwise noted. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited.

b. Policies

1. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).

2. Parking for shoreline uses in areas outside shoreline jurisdiction is the preferred choice. Parking facilities in shorelines are not a preferred use and unless otherwise outlined below, should be located outside of shoreline jurisdiction.

3. "Low impact development" techniques, such as permeable pavements, appropriate landscaping, and on-site infiltration areas are encouraged, to reduce the impacts of parking facilities are encouraged.

c. Regulations

1. Parking as a primary use or parking that serves a use not permitted in the applicable shoreline environment designation shall be prohibited. Primary parking in the downtown HI-MU designation (segment L) is exempt from this regulation.

2. Parking over water shall be prohibited—(Staging for ferry loading is exempt).

3. Parking in the shoreline jurisdiction must directly serve a permitted shoreline use. Primary parking in the downtown HI-MU designation (segment L) is exempt from this regulation.

4. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. A minimum 15-foot wide landscaping strip shall be planted, established, and irrigated between the parking surface and the shoreline. The landscaping shall be planted before completion of the parking area so that the plantings provide effective screening, at least 4 feet tall, within five years of project completion. The project applicant shall submit a landscaping plan that includes the following information:

- site layout;
- size, number, and species of proposed plants;
- provisions for plant establishment and maintenance;
- Native vegetation shall be given priority over non-native plants. The City Shoreline Administrator may modify landscaping requirements to account for safety and security concerns;
- Landscaping plans shall be based on City landscape standard and approved by the Shoreline Administrator.
45. Except in the HI-I, HI-UU and on the US Coast Guard Base, parking facilities serving individual buildings on the shoreline shall be located landward of the primary use, to minimize adverse impacts on the shoreline.

56. Parking for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.

67. Parking areas shall include facilities to prevent surface water runoff from contaminating water bodies.

78. Lighting associated with parking lots shall be beamed, hooded, or directed to minimize and avoid illumination of the skyline (light pollution), water, setback areas, wetlands, and other wildlife habitat areas.

Amend section 9 to conform with the applicability statement in WAC 173-26-221 (4)(a), to conform with standards in WAC 173-26-221 (4)(d), to recognize the difference between policy statements and regulatory provisions in accordance with WAC 173-26-020 (32) and (35), and per WAC 173-26-191 (2)(a)(ii) to make certain regulations are sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP.

89. Public Access

a. Applicability

Shoreline public access is the physical ability of the general public to reach, and touch and enjoy the water's edge and the ability to have a view of the water and the shoreline from upland adjacent locations. Public access facilities may include parks, picnic areas, pathways and trails, viewing towers, floats, piers and docks, bridges, boat launches, and improved street ends.

Shoreline public access should align with opportunities and priorities identified in the City of Port Angeles Comprehensive Plan, the Port of Port Angeles Strategic Plan, the Port Angeles Harbor Resources Management Plan, and the City's Trails Plan.

b. Policies

1. Public access will should be considered in the review of all private and public development proposals, with the exception of the following:
   a. One- and two-family dwelling units or subdivision of land into less than 4 parcels; or
   b. Where deemed inappropriate or infeasible due to incompatible uses, health, safety, security and/or environmental concerns, and constitutional or other legal limits.

2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public’s access to the water or the rights of navigation.

3. In all project proposals, public access should be provided as close as possible to the water’s edge without causing significant ecological impacts. All public access should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shoreline properties. Public access opportunities afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.

5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

6. Public views from the shoreline upland areas should be enhanced and preserved. View enhancement does not mean the excessive removal of existing vegetation that impairs views.

7. Publicly funded projects should include interpretive displays as part of publicly funded restoration projects.

8. Commercial and industrial development on the waterfront should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible.

9. Shoreline development by private entities should provide public access when the development would either generate a public demand for one or more forms of such physical or visual access, or would impair existing legal access opportunities or rights.

10. Public health and safety concerns associated with community or public access sites should be adequately mitigated.

11. Where feasible, providers of shoreline public access should consider:
   a. Locate and design public access improvements in a manner that is compatible with the shoreline character and avoids adverse impacts to shoreline ecological processes and functions; and
   b. Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and
   c. Provide maps, signage, and orientation information to inform the public of the presence and location of privately held shorelands, especially those adjacent to public access and recreational areas; and
   d. Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.

c. Regulations

1. Unless otherwise excepted or demonstrated infeasible as outlined below, public access is required for the following developments (unless the conditions stated in Regulation 2, immediately below, apply):
   a. Land division into more than four lots and planned residential
developments (PRDs).

b. Non-water-oriented uses.

c. Water-related and water-oriented enjoyment commercial uses.

d. Development on public land or by public entities, including the City, Port of Port Angeles, Olympic Medical Center, and public utility districts.

e. Development or use that will interfere with an existing public access way. Impacts to existing public access may include blocking access or discouraging use of existing on-site or nearby access sites.

f. When public access is required in Segment O of the HI-MU designation, opportunities for moving or providing spurs of the Olympic Discovery/Waterfront Trail to the shoreline shall be explored. All uses and development in the High-Intensity Mixed-Use environment.

2. Public access is not required as part of development if any of the following conditions apply:

a. The development is a single-family residence not part of a development planned for more than four parcels or the development is accessory to a single-family residence.

b. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security, or impact to the shoreline environment. In those instances, alternative means of providing public access shall be proposed.

c. Where constitutional or legal limitations apply.

d. Where the Shoreline Administrator determines that more effective public access can be provided through public access planning and other compensatory off-site public access improvements provided as part of the development.

Where on-site public access is not required because of above conditions b or d, the City shall consider alternate methods of providing public access such as offsite improvements, viewing platforms, separation of uses through site planning and design, fee in lieu programs, and restricting hours of public access will require compensatory measures.

3. Required public access. The shoreline permit shall be conditioned in the applicable shoreline permit so as to describe the impact necessitating access, required public access conditions, and how the conditions required public access condition(s) address the such impact. Public access areas or facilities shall comply Mitigation for public access impacts shall be in accordance with the definition of “with the mitigation” and “mitigation sequencing” in Chapter 3 Section 1 of this Chapter B.6.

4. Shoreline developments (including land division into more than four lots and PRDs) shall minimize adverse impacts to public views of shorelines from public land or substantial numbers of residences.
5. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not diminish. Street ends and rights of way shall only be vacated in accordance with the requirements of \( \text{(Per RCW 35.79.035)} \).

6. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.

7. Required public access sites shall be fully developed and available for public use at the commencement of the approved use or activity.

8. Public access easements and/or permit conditions shall be recorded on the title and/or on the face of a plat, or short plat as a condition running contemporaneous with the authorized land use. Said recording of easements with the County Assessor’s Office shall occur at the time the use or development is approved and prior to permit approval commencement of the approved use. Proposed public access easements shall be submitted to the Administrator for review prior to project approval.

9. The minimum width of public access corridors shall be sufficient to provide clearly marked, safe access to the shoreline. The Shoreline Administrator will consult the Harbor Resource Management Plan and the City’s trail plan in determining the required type and scope of public access improvements.

10. Public access opportunities shall be considered included in the planning and design of ecological restoration projects.

11. The standard State-approved logo or other approved signs that indicate the public’s right of access and hours of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.

12. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

13. Except where precluded by specific provisions elsewhere in this SMP, public access facilities may be developed over water, provided that all significant ecological impacts are mitigated to achieve no net loss of ecological functions.

14. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality.

15. Public access requirements on privately owned lands shall be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.

Amend section 10 for consistency with WAC 173-26-251 and per WAC 173-26-191 (2)(a)(i) to ensure SMP policies are consistent with state shoreline management policy goals and specific policies in the Guidelines and the Act.

910. Shorelines of Statewide Significance
a. **Applicability**

Within the City of Port Angeles' jurisdiction, all marine waters waterward of extreme low tide are shorelines of statewide significance.

Note that, while many of the policies relate to upland development and activities, they bear directly on aquatic and shoreline resources, including those below extreme low tide.

b. **Policies**

In implementing the objectives of RCW 90.58.020 for shorelines of statewide significance, the City has and will continue to base decisions in preparing and administering this SMP on the following policies in order of priority, 1 being the highest and 6 being lowest.

1. Recognize and protect the statewide interest over local interest.
   a. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
   b. Maintain space for unique facilities of statewide importance, including the U.S. Coast Guard, the Puget Sound Pilots Facility, and other institutional, industrial and navigational activities supporting the maritime economy.

2. Preserve the natural character of the shoreline.
   a. Designate and administer Shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
   b. Upgrade Clean up and redevelop those areas where development already exist, in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.
   c. Protect and restore habitats for State-listed “priority species.”
   d. Protect the natural characteristics of Ediz Hook. Where feasible, restore the shoreline ecology while recognizing the need for shoreline stabilization on the shoreline facing the Strait and the accommodation of allowed preferred uses such as public access.

3. Support actions that result in long-term benefits over short-term benefits.
   a. In general, preserve resources and values of shorelines of statewide significance and restrict or prohibit uses and development that would irretrievably damage shoreline resources.
   b. Retain, to the extent possible, water-dependent industrial uses.

4. Protect the resources and ecology of the shoreline.
a. All shoreline uses and development should be managed to ensure no net loss of ecological functions and should avoid disturbance of wildlife resources, including spawning, nesting, rearing and feeding habitats and migratory routes.
b. Protect and enhance natural erosion and sediment transport processes.
c. Take steps to remove from the harbor area contaminated sediments and other artificially placed materials, such as wood waste, abandoned structures, etc.
d. Manage the water area for maximum benefit and environmental quality.
e. Protect and restore estuarine and riparian habitats, especially at Ennis Creek.
f. Implement the recommendations of the Environmental Restoration Plan appended to this SMP (Appendix D).

5. Increase public access to publicly owned areas of the shoreline.
   a. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines.
   b. Maintain and enhance the Olympic Discovery/Waterfront Trail through Port Angeles Waterfront segment of the Olympic Discovery Trail and Ediz Hook, which are regional recreational resources.
   c. Implement the public access recommendations of the 2011 Harbor Resources Management Plan (HRMP).

6. Increase public recreational opportunities on the shoreline.
   a. Plan for and encourage development of facilities for water-oriented recreational use of the shoreline areas including those along Ediz Hook, public parks and trails and along the downtown waterfront.
   b. Develop a park on publicly owned portions of the Oak Street site, which will augment the downtown waterfront as a recreational resource of statewide importance.
   c. Implement the recreational recommendations in the HRMP.

Amend section 11 to ensure this section is in harmony with the definitions and policies in this and other sections of the SMP, per WAC 173-26-191 (2)(a)(ii) - include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP.

104. Signage

a. Applicability

A sign is defined as a device of any material or medium, including structural component parts, used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising
sign directing attention to a business, professional service, site, facility, or activity, conducted or sold either on or off premises.

b. Policies

1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

2. Signs should not block or otherwise interfere with visual access to the water or shorelands.

c. Regulations

1. All signs in the shoreline jurisdiction shall meet the requirements of the Port Angeles Sign Code; PAMC 14.36.

2. Prohibited Signs: The following types of signs are prohibited in the shoreline jurisdiction:
   a. Off-premises outdoor advertising signs.
   b. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes.
   c. Signs placed on trees or other natural features.
   d. Overwater signs, signs on floats or pilings, advertising for goods, services, or businesses. Overwater directional, informational or public warning signs may be permitted.

3. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
   a. Water navigational and highway signs necessary for operation, safety and direction.
   b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
   c. Off-premise, free-standing signs for public information or directional purposes only.
   d. Temporary decorations customary for special holidays and similar events of a public nature.
   e. Temporary directional signs to public or quasi-public events, when approved by the property owner and the city and removed within 10 days following the event.

4. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.

5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Temporary or obsolete signs shall be removed within 10 days of the termination of the function, closures of business, or completion of elections. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.

Amend section 12 for consistency with the description of accessory versus primary utilities in WAC 173-26-241 (3)(l).

112. Utilities (Accessory)

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, solid wastes and the like. Accessory utilities are on-site utility features serving a primary use, such as a water, sewer, or gas line or telecommunications service. Accessory utilities do not carry significant capacity to serve other users and are will be considered as part of the primary use. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

Primary use utility uses and facilities, such as power generating and water treatment plants and include transmission and main lines and pipes, are covered in Section 5.C.10. as a specific shoreline use Chapter 5.

b. Policies

1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation and to ensure no net loss of shoreline ecological functions.

2. Accessory utilities and rights-of-way corridors should be located outside of the shoreline area jurisdiction to the maximum extent possible feasible. When utility lines require a shoreline location, they should be placed underground if feasible.

3. Accessory utilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

c. Regulations

1. Accessory utilities utility transmission lines, pipelines, drain fields, and cables shall preferentially be placed outside of shoreline jurisdiction when feasible. When accessory utilities must be placed within shoreline jurisdiction, they shall be placed underground, when feasible. Such lines utilities shall utilize existing rights-of-way, corridors, and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.

2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way, when
feasible. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

3. Sites disturbed for accessory utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

4. Utility discharges and outfalls shall be located, designed, constructed, and operated in accordance with best management practices to ensure there is no net loss of ecological function and that degradation to water quality is kept to a minimum.

45. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization during construction and in the future due to flooding and bank erosion that may occur over time. Boring is a preferred over open trenching as a method of utility water crossing.

Amend section 12 to conform with the applicability statement in WAC 173-26-221 (5)(a) and the vegetation conservation principles in WAC 173-26-221 (5)(b). Clarify that with regard to impacts to and compensation for impacts to shoreline vegetation, mitigation cannot be required in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions (WAC 173-26-201 (2)(e)(ii)(A)) . Changes also reflect a preference for consideration of ecological restoration as a condition of non-water oriented commercial and industrial uses in WAC 173-26-241 (3)(d) and (3)(f). Furthermore, changes ensure regulations are sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)) and ensure vegetation conservation standards implement the principles in WAC 173-26-221 (5)(b) (WAC 173-26-221 (5)(c).
123. Vegetation Conservation

a. Applicability

The following provisions apply to any activity that results in the removal of or impacts to shoreline vegetation, whether or not that activity requires a shoreline permit or exemption. Such activities include but are not limited to clearing, grading, grubbing, pruning or removal of vegetation.

These provisions in this section also apply to generally outline vegetation protection and enhancement activities. They do not apply to forest practices managed under the Washington State Forest Practices Act. Specific provisions for vegetation conservation in various sections specific segments of the shoreline are presented in Chapter 2, Subsection d of each environment designation. See Chapter 6 for definitions of "ecological functions," "clearing," "grading," and "restore."

Vegetation is critical to maintaining the shoreline ecology and helps to prevent undesirable erosion, improve water quality, reduce flooding, and provide important habitat.

This SMP includes provisions to conserve shoreline vegetation by limiting "significant vegetation removal" within "vegetation conservation areas".

"Significant vegetation removal" is defined as the removal or alteration of trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal.

Tree pruning, not including tree topping, where it does not affect ecological functions and meets accepted industry standards, does not constitute significant vegetation removal.

A "vegetation conservation area" (VCA) is an area within shoreline jurisdiction where vegetation, especially native vegetation, contributing to the ecological function of shoreline areas must be protected and where it has been removed or destroyed, should be to be managed in order to protect and restored ecological functions. VCA’s are generally measured from the shoreline a specific width landward of and perpendicular to the shoreline. Ideally, the intent is to prevent adverse impacts to vegetation that would diminish ecological functions. The widths of VCA’s and the vegetation conservation standards established in this SMP vary from segment to segment. Chapter 2, describes the width of VCA and development standards within the VCA for each segment along Port Angeles’s shorelines.
A VCA is different than a setback or an environmentally sensitive area buffer, although they may overlap. Setbacks are established to separate a building or structure from a specific feature, including the OHWM or the landward edge of a critical area buffer. Activities in setback areas have fewer restrictions and may allow landscaping or non-structural features such as roads or trails.

Environmentally sensitive area buffers are similar to vegetation conservation areas in that they are intended to protect ecological functions. Buffers are intended to remain undisturbed and are typically treated as ‘no touch’ areas. For environmentally sensitive areas in shoreline jurisdiction, this intent must be balanced with the policy goals of the Shoreline Management Act giving preference for a shoreline location to water-oriented uses, activities and public access. Not all of Port Angeles’ shoreline areas are considered environmentally sensitive areas. Where environmentally sensitive areas, as defined in chapter 6, exist in shoreline jurisdiction the buffer has often also been designated as a VCA. In some shoreline segments, no environmentally sensitive areas exist; in these cases there may not be a buffer but there may be a VCA.

As outlined in Chapter 2 - if no VCA is assigned to a shoreline segment, uses or development on parcels with frontage on waters regulated by the SMP are still required to preserve existing native vegetation within shoreline jurisdiction or the shoreline setback (as applicable) to the extent feasible and in accordance with the regulations and allowances in this section.

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, property protection, and aesthetic value.

2. This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.

3. The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged of all development activities. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference given to manual removal, or if that is not practical, using mechanical rather than chemical means.

3. New development, including clearing and grading, should minimize significant vegetation removal in shoreline jurisdiction to the greatest extent feasible. Vegetation removal should be limited to the minimum necessary to accommodate the authorized use or development. When vegetation removal cannot be avoided, it should be mitigated to ensure no net loss of shoreline ecological functions.

4. Selective pruning for view maintenance should comply with the standards of Sections 15.20 and 15.24 PAMC, where applicable.

5. Ecological restoration should be considered as potential mitigation for impacts to shoreline resources and values resulting from water dependent commercial and industrial development or non-water oriented development.
c. Regulations

1. Within VCAs, all native trees over six inches in diameter at four feet above average grade shall be retained. Snags and living trees shall not be removed within the required VCA unless a Certified Arborist determines them to be hazards or unless removed in accordance with regulation 6 below. Snags and living trees within the VCA which do not present a hazard shall be retained.

Vegetation removal for views is prohibited within VCAs that overlap marine bluffs and/or marine bluff buffers shall be prohibited along steep slopes where such removal has the potential to exacerbate erosion. See Chapter 6 for the definition of “steep slopes.” Vegetation removal in these VCAs shall be authorized in accordance with Section 15.20 PAMC as incorporated into this SMP, and shall include mitigation. Tree topping is prohibited.

2. All development shall conform to the vegetation conservation provisions of Section 2.B, Environment-Specific Development Standards. Within VCAs, native understory vegetation (shrub and herbaceous layers) shall remain intact. Exceptions are outlined in regulation 6 below.

3. Removal of invasive plant species shall be restricted to hand removal except where no reasonable alternative to herbicides exist, and weed control is demonstrated to be in the public interest. All removed plant material shall be taken away from the site and properly discarded. Revegetation with appropriate native species is required in conjunction with such removal. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.

4. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that any development can be accomplished without significant vegetation removal within the required SMP vegetation conservation area (VCA). See Section 2.B, Environment-Specific Development Standards, for the width of the VCA for appropriate environment segments. This section also includes standards for allowable development within the VCA for each shoreline segment as required in chapter 2 will be preserved and that all construction can occur outside of and without any impacts to such areas. Exceptions may be granted for activities outlined in regulation 6 below.

5. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a vegetation conservation area may be maintained in their existing conditions, including but not limited to mowing lawns, weeding, harvesting and replanting garden crops, and pruning and replacing ornamental trees or vegetation. Such areas may be maintained in the condition and appearance as they currently exist, provided this does not apply to areas previously established as mitigation sites or areas protected by conservation easements or similar restrictive covenants.
6. The following uses or activities may be allowed in VCAs and setbacks as established in chapter 2 without a shoreline variance, provided such uses are designed, located, constructed and maintained in a manner that avoids and minimizes impacts to vegetation and achieves no net loss of shoreline ecological functions.
   a. Uses and activities allowed in sections 15.20.080 (D) and 15.24.050 (B) of the PAMC, as incorporated into this SMP, when also allowed in the applicable shoreline environment.
   b. Public and pedestrian trails, pathways and boardwalks, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water oriented recreational or public access uses/development.
   c. Authorized shoreline modifications, including shoreline restoration.
   d. Allowed water dependent uses in all shoreline environments.

Note that provisions in chapter 2 may expressly prohibit or limit the type or location of encroachments into the VCA in specific shoreline segments or environment designations. For example, in the HI-UU designation, viewing towers or other public access points are only allowed on street ends or other publicly owned sites. In segment O, encroachment into the VCA along tidally influenced portions of Ennis Creek is only allowed for public access or ecological restoration. Please see chapter 2 for a full list of these limitations.

7. As a requirement of encroachment into the VCA or impacts to shoreline vegetation where there is no VCA for the activities authorized in regulation 6 above, mitigation in the form of vegetative restoration within the VCA may be required. If the use or development is within a shoreline segment that has not been assigned a VCA in chapter 2 of this SMP, mitigation shall be in the form of either vegetating some portion of the project site where equal functions can be provided, or mitigating in focus areas as identified for each shoreline segment in chapter 2. Mitigation shall be provided in an area that can be planted so as to be functionally equivalent to the area impacted, and at no less than a 1 to 1 ratio (area replaced to area lost).

8. The Shoreline Administrator may allow removal of vegetation exceeding that described in regulation 6 above by 15% of the total area of the VCA where an applicant agrees to replacement plantings that are demonstrated to provide greater benefit to shoreline ecological functions than would be provided by strict application of this section, based upon findings of a qualified professional.

9. Non water oriented uses or development authorized within shoreline jurisdiction (only allowed as part of mixed use developments with water dependent uses or in existing developed areas in support of water dependent uses; see table 1 and chapter 5) shall provide mitigation as outlined in Chapter 5, section 4. Required mitigation shall follow the same location procedure as is outlined in regulation 7 above.
104. Proposed uses or New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the greatest extent feasible. In order to implement this regulation, applicants proposing development that includes vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption the application package, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading and vegetation removal. The plan and application must indicate shall include all information required by other applicable sections of the PAMC, and at a minimum must demonstrate:

- Justification for Compliance with the mitigation sequence specific to the proposed vegetation removal,
- That clearing or grading and vegetation removal are the minimum necessary to accommodate the proposed use is based on the proposed use of the site and physical requirements of the improvements. (e.g., if a new structure is being constructed,
- The amount of vegetation removal has been minimized through the design and location of the structure.
- The ecological functions being provided by the shoreline vegetation proposed for removal; and pruning of mature trees shall be limited to the removal of no more than 25% of the live crown of any individual tree.
- How erosion will be controlled during construction.

As outlined above, this plan may be combined with any other required site plan or plan set required for such project, including but not limited to critical area reports/plans or construction plans.

The City’s Shoreline Administrator may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.

5. Restoration of shoreline vegetation that has been disturbed or degraded shall use plant materials with a diversity and type appropriate for the ecosystem.

6. In addressing impacts from vegetation removal, the City’s Shoreline Administrator will apply the mitigation sequence described in Chapter 3 Section 7.c.1.

117. Where establishment of shoreline vegetation restoration is required by this SMP, the property owner must applicant shall consult with a qualified professional to prepare a shoreline revegetation and management plan. This plan may be combined with other required reports/plans necessary for the proposed use or development, as long as such plan documents compliance with all applicable requirements. In shoreline areas that are not also critical areas, a qualified professional may include a professional landscape ecologist or restoration biologist with professional training and experience related to shoreline ecology. The shoreline vegetation management plan shall include:
a. Plant list and planting scheme, including a mixture of native trees, shrubs and groundcovers designed to improve habitat shoreline ecological functions.

b. Performance standards for evaluating the success of the mitigation or restoration project.

c. Appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality; and

d. A monitoring, reporting and maintenance program with conditions for replacement of plants that fail to survive.

This plan shall be recorded with the Clallam County Assessor’s office as a covenant against the real property and a copy shall be provided to other protective assurance as authorized by the Shoreline Administrator.

8. All non-water-oriented development (except single family residences) shall be conditioned so that those areas within the required SMP VCA shall be planted with native vegetation. The City’s Shoreline Administrator may require replanting of previously cleared areas or removal of invasive or noxious weeds and replanting with native vegetation as part of the mitigation of ecological impacts.

9. Snags and living trees shall not be removed within the required VCA unless a Certified Arborist determines them to be hazards or unless removal is part of an approved development that includes mitigation for impacts to ecological functions. Snags and living trees within the VCA which do not present a hazard shall be retained. Selective pruning of trees for safety and view protection is allowed, provided it is consistent with the most current version of PAMC 15.28.030(7). The City may make exceptions to this standard for water dependent development and for development in the High Intensity environments, or where the Shoreline Administrator determines that the removal of such vegetation is both in the public interest and consistent with the goals of the Shoreline Management Act as stated in section 90.58.020 RCW.

Amend section 13 to ensure it is clear that this section applies to all uses generally and to all shoreline areas without regard to environment designation (WAC 173-26-221) and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

134. Water Quality and Quantity

a. Applicability

The following section applies to all development and uses in shoreline jurisdiction that affect water quality, defined as follows.

As used in this SMP, “water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, aesthetic, recreation-related, and biological conditions characteristics.
Where used in this SMP, the term “provisions related to water quantity” refers only to development and uses regulated under this chapter and the SMP that affecting or have the potential to affect water quantity, such as impermeable surfaces and stormwater handling practices.

Because of the importance of the harbor’s water quality and the complexity of the problem, priority water quality conditions are listed as a City SMP policy.

b. Policies

1. In conjunction with applicable agencies, the City will continue to take action to improve water quality in the Port Angeles Harbor by:
   a. Improving treatment of sewer overflows and faulty septic systems.
   b. Aggressively pursuing storm water quality measures, both within and outside shoreline jurisdiction.
   c. Other actions recommended in the Restoration Plan in Chapter 8 of developed in conjunction with this SMP.

2. All shoreline uses and activities development should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.

3. The City should require reasonable appropriate setbacks, buffers, and stormwater storage basins management facilities and encourage low-impact development techniques and materials to achieve the objective of avoiding lessening negative impacts on water quality.

4. Shoreline use and development should minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.

c. Regulations

1. All shoreline uses and development, both during and after construction, shall avoid or minimize adverse water quality impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff. Control measures shall conform to the City of Port Angeles Urban Services Standards and Guidelines, Chapter 5, Stormwater.

2. All shoreline uses and development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP. Should a conflict occur, the provision most protective of the resource shall apply.

3. Uses and development that require the application of pesticides, fertilizers and other chemicals that could adversely affect water quality (except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations) are prohibited in shoreline jurisdiction.

4. The application of pesticides in shoreline jurisdiction is prohibited except for these
products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to approved methods of and standards for application.

35. The bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or permanent basis, shall not occur in shoreline jurisdictions without adequate secondary containment and an emergency spill response plan in place.

46. All shoreline use and development activities approved under this SMP shall be designed and maintained consistent with the City’s Storm Water Management Plan and Engineering Design Standards. In addition, the City encourages utilization of low-impact development principles and practices, such as setbacks, retaining vegetative cover, and reducing impervious areas, with special caution to avoid infiltration of storm water in shoreline areas along steep bluffs, potentially unstable slopes, and marine bluffs.

Chapter 4 – Shoreline Modification Provisions

Amend chapter 4, subsection A to ensure it is clear it applies to all shoreline modifications within shoreline jurisdiction (WAC 173-26-231 (1)), for consistency with the description of shoreline stabilization in WAC 173-26-231 (3)(a)(i), and for consistency with the shoreline procedural terms in RCW 90.58.030 (3).

A. Introduction and Applicability

This chapter provides policies and regulations for shoreline modifications, including shoreline stabilization measures, docks and floats. The first section, General Policies and Regulations, applies to all shoreline modification activities. The general policies and regulations section is followed by policies and regulations tailored to specific shoreline modification activities. If a shoreline development entails more than one type of shoreline modification, then all of the provisions pertaining to each type of modification apply.

“Shoreline Stabilization” is a class of shoreline modifications intended to reduce the adverse effects of shoreline erosion impacts to properties and structures.
Shoreline stabilization measures can include structures such as sea walls, bulkheads, revetments, and breakwaters and can also include non-structural measures such as setbacks and vegetation enhancement. Shoreline stabilization measures are addressed in section C.(B)(2) of this chapter.

Some shoreline modifications may be exempt from the requirement to obtain a shoreline substantial development permit (SSDP). Even though a shoreline modification may be exempt from requiring a shoreline substantial development permit, it must still conform to the regulations and standards in this SMP and may require a shoreline conditional use permit. The City requires that a property owner contemplating a shoreline modification contact the City's Shoreline Administrator to determine whether the activity requires a SSDP permit or is exempt. No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption.

Shoreline modifications may also be exempt from the requirement to obtain an SSDP when undertaken in emergency conditions to protect property from damage by the elements. WAC 173-27-040(24)(d) defines an “emergency” as an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time frame too short to allow full compliance with chapter 173-27 WAC (in other words, the time to obtain a shoreline permit or statement of exemption.)

“Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations WAC 173-27, or the local master program shall be obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.” (WAC 173-27-040(42)(d).)

The Shoreline Modification Matrix and Chapter 2, Section C.2 (Table 2) indicates which shoreline modifications may be permitted in each shoreline environment designation.

B. Policies and Regulations

Amend section 1 for consistency with WAC 173-26-231 (2)(a) and WAC 173-26-231 (3)(a)(iii).

1. General Policies and Regulations
   a. Applicability
      The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.
   
   b. Policies
      1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:
a. To support or protect a legal use or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or;

b. For reconfiguration of the shoreline to for mitigation or adverse impacts or enhancement purposes the shoreline ecology.

2. The adverse effects of shoreline modifications should be reduced, to the greatest extent possible, and shoreline modifications should be limited in number and extent.

3. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 473-26-231. This is to be achieved by:

   a. Preventing unnecessary shoreline modifications,

   b. Giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and

   c. Requiring mitigation of identified impacts resulting from shoreline modifications.

4. The City should consider base decisions shoreline modification proposals based on the best available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231 (2)(e).

5. Where ecological functions have been impaired, they should be repaired and/or enhanced the City should plan for the enhancement of the impaired functions where feasible and appropriate while accommodating permitted uses, as stated in (WAC 173-26-231 (2)(f)). As shoreline modifications occur, the City will incorporate all feasible measures to protect shoreline ecological functions and ecosystem-wide processes.

6. In reviewing shoreline permit applications, the City should require steps to reduce significant ecological impacts by following the mitigation sequence in WAC 173-26-201(2)(e) and listed in Chapter 3, Section 7.c.1.

7. Regulations for shoreline modifications should restrict shoreline armoring or other modification on shorelines which exist in their natural state.

c. Regulations

1. All new shoreline uses and development shall be located and designed to avoid the need for shoreline modifications, both at initiation and during the life of the use or development.

2. All shoreline modifications must be in support of a permitted shoreline use or to provide for human health and safety. Shoreline modification activities which do not protect or support a permitted shoreline use are considered “speculative” and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, or ecological functions, as well as the public interest.
Structural shoreline modifications may be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible (See Chapter 6 for definition of “feasible”). Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation of proposed structures, and/or vegetation enhancement.

All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modifications.

Proponents of shoreline modification projects shall obtain all applicable federal and state permits prior to the start of construction and shall meet all permit requirements.

Shoreline modification materials shall be only those approved by the City and applicable state and federal agencies. No toxic (e.g.: creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.

Shoreline modifications shall not cause significant adverse impacts to active sediment drift cells or natural geomorphic and hydrologic processes. New uses and development shall not be established where it will require future shoreline modifications that negatively impact ecological processes.

Proposals for shoreline modifications shall demonstrate compliance with the mitigation sequence in chapter 3, section 1 of this SMP and with applicable critical areas and vegetation conservation area provisions in chapter 3.

Permitting Requirements

In addition to the permit application information required by WAC 173-14-110 chapter 7, the City shall require and consider the following information when reviewing shoreline modification proposals:

a. Construction materials and methods.

b. Project location relative to the top and toe of bluffs or steep banks, if applicable. (Note that this is especially important for residential properties situated near steep bluffs or other geologically hazardous areas.)

c. For marine waters, the ordinary high water mark, mean higher high, and extreme high water levels (highest recorded level or the 100-year flood elevation).

d. Net direction of littoral drift changes and tidal currents (if any).

e. General direction and speed of prevailing winds (if applicable).

f. Profile rendition of beach and uplands.

g. Beach slope and material.

h. Uplands slope and material.

i. Soil types (Soil Conservation Service).

j. Physical or geologic stability of uplands.

k. Potential impact to natural shoreline processes, adjacent properties, and upland stability.
Amend section 2 for consistency with WAC 173-26-231 (3)(a)(ii) and (iii), and WAC 173-26-231 (3)(d).

2. **Shoreline Stabilization**
   a. **Applicability**

Shoreline stabilization includes actions taken to address the impacts of erosion to property, dwellings, businesses, or essential structures caused by manmade processes such as boat wakes and natural processes such as current, floods, tides, wind, or wave action. Shoreline stabilization actions include structural and nonstructural methods.

- Structural measures include constructed elements and systems such as bulkheads, revetments, seawalls (hard measures), and bioengineering measures (soft measures).
- Nonstructural methods include appropriate building setbacks, relocation of the structure to be protected, and the use of planning, management, and regulatory measures intended to control erosion, stormwater and ground water impacts.

The provisions of this section apply to new shoreline stabilization measures and as well as to existing measures for which repair or replacement is proposed. Normal maintenance and normal repair may be authorized as a shoreline exemption, in accordance with WAC 173-27-040(2)(b).

Shoreline stabilization can includes:

1. Bulkheads and vertical seawalls.
2. Revetments, breakwaters, rock weirs, and groins made of large boulders (rip-rap).
3. Revetments, breakwaters, rock weirs, and groins in which the rock structures have been enhanced with special sediment, large wood or other means to increase desirable ecological functions.
4. Placement of large woody debris or other natural materials.
5. Beach enhancement.
WAC 173-27-040(2)(b) defines normal maintenance and repair of existing structures and notes that many maintenance and repair activities are exempt from the requirement for a shoreline substantial development permit. As indicated in that section, normal maintenance and repair actions are not exempt from substantial development permits if they “cause substantial adverse effects to shoreline resources or the environment.” Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Some shoreline stabilization measures for single family residences may be exempt from a shoreline substantial development permit in accordance with WAC 173-27-040(2). However, such measures must comply with the provisions of this SMP.

b. Policies

Bulkheads are walls, usually constructed parallel to the shore, whose primary purpose is to contain and prevent the loss of soil caused by erosion or wave action. Bulkheads also are called “seawalls”; however, the term “seawall” is generally reserved for more massive public works structures along the open coast.

Breakwaters are protective structures built off-shore to protect harbor areas, moorage, navigation, beaches, and bluffs from wave action. Breakwaters may be fixed (for example, a rubble mound or rigid wall), open-pile, or floating.

Rock weirs and groins are structures built seaward and perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand-drift. Generally narrow and of varying lengths, groins may be built in a series along the shore.

Revetments are sloped structures built to protect an eroding shoreline or newly placed fill against waves, wakes, currents, or weather. Revetments are typically built of randomly placed boulders (riprap) but may also be built of sand-cement bags, paving or building blocks, gabions (rock-filled wire baskets), or other materials.

Bioengineering uses natural vegetation to stabilize or protect the shoreline from erosion. Bioengineering is an alternative to traditional structural shoreline stabilization and protection, which use “hard” materials like riprap, concrete, or steel. Bioengineering can provide fish and wildlife habitat and preserve the natural character of the shoreline.
1. Non-structural stabilization measures are preferred over structural measures. Structural shoreline stabilization measures with less adverse impact on natural functions, such as bioengineering, are strongly preferred over hard structural shoreline stabilization measures, such as seawalls and bulkheads. Proposals for structural solutions should be allowed only when it is demonstrated that nonstructural methods are not feasible, as defined in Chapter 6 of this Shoreline Master Program.

2. New non-water-oriented development requiring bulkheads and/or similar protection should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization measures are not likely to become necessary in the future.

3. The city should give preference to shoreline modifications having the least impact on ecological functions and should require mitigation for any adverse impacts to ecological functions resulting from shoreline modifications.

c. Regulations

1. All proposals for new or replacement shoreline stabilization measures shall include a geotechnical report. The geotechnical report shall address the need to prevent potential damage to an existing primary structure or legally existing use and shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion, and report on the urgency associated with the specific situation.

New Development

24. New development shall, where to the extent feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization.

32. New Structural shoreline stabilization for new non-water-dependent development, including single-family residences, that includes structural shoreline stabilization, will be allowed only when all of the conditions below are met:

   a. The need to protect the development from damage due to erosion caused by natural processes, such as tidal action, currents, and waves, and by human actions such as boat wakes, is demonstrated through a geotechnical report;

   b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage;

   c. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, including low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient; and

   d. The structure and shoreline stabilization measures will not result in a net loss of shoreline ecological functions.
3. New non-water dependent development that does not meet the requirements of regulation #2 above and requiring, or which could require, new shoreline stabilization that would cause adverse impacts to adjacent or down-current properties or ecological functions is prohibited.

4. Structural shoreline stabilization in support of water-dependent development shall meet all of the conditions in regulation 3 above, except that erosion does not have to be caused by natural processes such as tidal action, currents and waves.

5. New development near on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis completed by a licensed geotechnical engineer in good standing in the State of Washington. The Shoreline Administrator will determine the setback width based on the submitted geotechnical analysis plus other information the Shoreline Administrator deems appropriate (See also Section 3.B.5 of this SMP.). Setbacks shall not be less than those required in Chapter 2 without a variance (see exceptions in chapter 3, section 12).

New or expanded shoreline stabilization measures

5. New stabilization measures are only allowed to protect or support an existing or approved development, as necessary for human safety, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW. The construction of a bulkhead for the primary purpose of retaining or creating dry land is prohibited unless the land created is part of a legal development consistent with and approved under this master program.

6. New structural shoreline stabilization to protect an existing primary structure or legally existing shoreline use, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure or use is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Such structural shoreline stabilization measures shall not result in a net loss of shoreline ecological function.

7. New structural shoreline stabilization measures to protect restoration or hazardous substance remediation projects may be authorized when non-structural methods, such as planting vegetation or installing onsite drainage improvements, are not feasible or not sufficient. Such stabilization structures shall not result in a net loss of shoreline ecological functions.
8. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect existing primary structures or principle uses from erosion caused by currents, tidal action, or waves. The replacement structure shall be designed, located, sized and constructed to assure no net loss of shoreline ecological functions. A geotechnical report shall be required to demonstrate need, except that primary structures or principal uses located within 20 feet of the OHWM do not require a geotechnical report to demonstrate need.

9. Replacement stabilization structures or bulkheads shall not encroach waterward of the OHWM or existing structure unless there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure.

10. New or replacement structural shoreline stabilization measures for flood hazard reduction are may be allowed, on shorelines for necessary flood hazard reduction, provided that all feasible steps are taken to minimize adverse impacts to the natural environment when demonstrated by a geotechnical analysis, that they are necessary to protect an existing development, that non-structural methods are not feasible, and that impacts to ecological functions and to priority species and habitats can be mitigated so as to ensure no net loss.

7. New or enlarged structural shoreline stabilization for an existing development or residence shall only be allowed where there is conclusive evidence, documented by a geotechnical analysis (see definition in Chapter 6), that the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis completed by a licensed geotechnical engineer is not demonstration of need. The geotechnical report must evaluate:
   a. On-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;
   b. Vegetation enhancement and low impact development measures that might be used as a means of reducing undesirable erosion. (See also Section 3.B.5 of this SMP.);
   c. The long term effects of sea level rise and intensity and frequency of storms; and
   d. Impacts to coastal geological processes.

11. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
12. Hard structural shoreline stabilization shall not be authorized except when the geotechnical report confirms that there is a significant possibility that the primary structure or principal use will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring, or when waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

138. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c.5, 6 and 7 above, the size of such stabilization measures shall be limited to the minimum necessary. Structural shoreline stabilization measures shall be the type (e.g. revetment or bulkhead) least harmful to ecological functions while still adequately protecting against undesirable erosion. The City’s Shoreline Administrator may require that the proposed structure be altered in size or design or its impacts are otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.

9. Adverse impacts to shoreline functions shall be mitigated in accordance with the mitigation sequence defined in Chapter 3 Section 7.c.1. The City’s Shoreline Administrator shall require the inclusion of vegetation conservation and enhancement, as described in Chapter 3 Section B.13, as part of shoreline stabilization. In order to determine acceptable mitigation, the City’s Shoreline Administrator shall require the applicant to provide necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts. A plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions shall be required of all shoreline modification proposals where impacts to shoreline functions is anticipated.

10. Shoreline stabilization measures that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed only when shoreline functions are restored or improved.

141. Soft shoreline stabilization measures that restores ecological functions (such as, in some instances, beach enhancement, placement of large wood, and vegetation enhancement) may be permitted waterward of the OHWM.
152. Following completion of any shoreline modification stabilization activity, all disturbed shoreline areas shall be restored to pre-project conditions to the greatest extent possible feasible. Vegetation conservation measures, including the planting of native vegetation along the shoreline, are a condition of all new and replacement structural shoreline stabilization measures. Plantings shall consist of native grasses, shrubs, and trees as approved by the City’s Shoreline Administrator in keeping with preexisting or typical naturally occurring bank vegetation. Vegetation shall be fully reestablished within three years. All revegetation projects shall include a program for monitoring and maintenance. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.

13. New or expanded shoreline stabilization measures require a thorough analysis of sediment movement to ensure that the measure does not interfere with fluvial, hydrological and/or geomorphological processes acting under natural conditions. The analysis must be performed by a licensed professional engineer familiar with local geological conditions.

Replacement and Repair

14. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents or waves and a nonstructural measure is shown to be not feasible. The demonstration of need does not necessarily require a geotechnical report by a licensed geotechnical engineer. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions. Replacement walls or bulkheads shall not encroach waterward of the OHWM, except as provided for in regulation 15 immediately below.

15. When an existing bulkhead is being repaired or replaced by construction of a vertical wall fronting the existing wall, it shall be constructed no farther waterward of the existing bulkhead than is necessary for construction of new footings. Derelict bulkheads that are no longer preventing erosion shall be removed as part of any development and not replaced unless they meet the criteria of regulations 5, 6, and 7 above.

Design of Shoreline Stabilization

16. Shoreline stabilization measures shall be located, designed and constructed in compliance with the mitigation sequence and vegetation conservation provisions in chapter 3 of this SMP.

17. Shoreline stabilization shall be designed and developed to meet shall conform to all other applicable City, state and federal agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.

18. Because they are inherently unstable in the marine environment, gabions (wire mesh filled with concrete or rocks) are prohibited.

19. Materials:
a. **Hard armor** shoreline stabilization structures are not the preferred method of shoreline stabilization. Where hard structural shoreline measures are allowed according to the regulations c.5, 6, and 7 above, the following are examples of acceptable materials for shoreline stabilization structures, listed in order of preference from top to bottom:

i. Naturally occurring materials such as logs with root wads;

ii. Large stones, ideally with vegetation or habitat enhancement in the gaps between the stones;

iii. Milled timbers. Note the prohibition against toxic wood treatments;

iv. Mixtures of rock and wood;


b. The following materials are not allowed for shoreline stabilization structures:

i. Degradable plastics and other nonpermanent synthetic materials.

ii. Sheet materials, including metal, plywood, fiberglass, or plastic (excluding sheet piling approved by the Shoreline Administrator).

iii. Broken concrete, asphalt, or rubble.

iv. Car bodies, tires or discarded equipment.

c. The City’s Shoreline Administrator shall require materials and construction methods to meet best management practices established to achieve mimic or maintain a more natural sediment transport and accretion patterns.

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**Bulkheads**

4920. Stairs may be built as integral elements to a bulkhead but shall not extend waterward of the bulkhead.

219. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.

224. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.

232. Backfill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any backfill in excess of this amount shall be considered fill and shall be subject to the provisions of Section 4 in this chapter for fill and the requirement for obtaining a shoreline substantial development permit for that purpose.

243. Bulkheads are prohibited when their primary purpose is to:
a. Retain or create dry land (unless this land is fill part of improvements that has been specifically authorized by permit in accordance with section 4 of this chapter).

b. Protect a platted lot where no structure presently exists.

254. Bulkheads are permitted only where local physical conditions, such as foundation bearing material and surface and subsurface drainage, are suitable.

25. Bulkheads shall have adequate toe protection to ensure bulkhead stability without relying on additional riprap.

26. Materials used in bulkhead construction shall meet the following standards:

   a. Bulkheads shall utilize stable, nonerosional, homogeneous materials such as concrete, wood, or other suitable materials that will accomplish the purpose with the maximum preservation of natural shoreline characteristics.

   b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline restoration.

Breakwaters, Rock Weirs, Jetties, and Groins

26. Authorization for breakwaters, jetties, groins and weirs that substantially alter, reduce, or block littoral drift and/or cause new erosion of downdrift shorelines shall include conditions requiring establishment and maintenance of adequate long-term beach replenishment programs to ensure no net loss.

27. The City shall require and use the following information in its review of breakwater, rock weir, or groin proposals:

   a. Purpose of the structure.

   b. Net and seasonal direction and quantity of littoral drift and tidal currents.

   c. Seasonal wind data (wind rose).

The following additional information also is required for groins:

   d. Profile of uplands.

   e. Beach width, slope, and materials.

   f. Upland slope, geology, vegetation, and stability.

   g. Soils types (Soil Conservation Service).

   h. Potential impact to adjacent shoreline processes, properties, and upland stability.

   i. Potential impacts to migratory corridors used by marine species.
28. The effect of proposed breakwaters, rock weirs, or groins on sand movement shall be evaluated to determine the extent of potential impacts during permit review. The beneficiaries and/or owners of large-scale works that substantially alter, reduce, or block littoral drift and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long-term beach replenishment program.

279. Breakwaters, jetties, rock weirs and groins shall be allowed for the following purposes only:
   a. Legal navigation.
   b. Water dependent and industrial activities: as an integral component of a harbor, marina, or port where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.
   c. Ecological restoration
   d. Public access

Marinas: where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.

3028. Open-pile or floating breakwaters shall be preferred over solid fixed breakwaters. Fixed breakwaters that obstruct movement in the full water column are not allowed unless it can be demonstrated that solid breakwaters will have no significant adverse impacts to natural shoreline processes or that such adverse impacts can be adequately mitigated.

31. Jetties, rock weirs, and groins shall be allowed for the following purposes only:
   a. Legal navigation.
   b. Water-dependent industrial activities.
   c. Marinas.
   d. Ecological restoration.
   e. Erosion control.
   f. Fisheries or habitat enhancement as part of an adopted resource management plan.

32. Jetties, rock weirs, or groins that would cause a net adverse impact to adjacent and nearby shorelines are prohibited.

3329. Groin construction across tidal areas to provide access to deep water is prohibited.

3430. New breakwaters, jetties, rock weirs, and groins shall provide shoreline public access (visual or physical) whenever possible feasible.

315. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall be durable, low-maintenance, and compatible with existing shoreline features, processes, and aesthetics.
Revetments

326. New revetments shall be constructed and maintained so they do not reduce water quality or adversely impact fisheries or aquatic habitats.

37. New bank revetments, where permitted, shall be placed at or landward of the OHWM.

338. New revetments shall be designed to accommodate public access to publicly owned shorelines whenever possible.

349. Riprap (placement of large stones along the shoreline edge to form a revetment) shall be constructed using techniques and materials that will enhance natural shoreline processes and functions, including sediment transport, fish and wildlife habitat, water quality, vegetation, and aesthetics. To this end:
   a. Riprap material shall consist of quarried rock, free of loose dirt and pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action.
   b. Use of downed logs, snags, or rockwork to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where the Shoreline Administrator determines it is feasible and beneficial.
   c. The Shoreline Administrator may require measures to manage sediment transport along the revetment where it is determined that it is feasible and beneficial.
   d. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion; provide cover, shade, and habitat; and improve the natural appearance of the shoreline.

4035. Revetments shall be sited and designed in accordance with appropriate engineering principles, including guidelines of from the U.S. Soil Conservation Service and the U.S. Army Corps of Engineers.

Bioengineering

4136. Bioengineering projects shall use native trees, shrubs, and grasses or ground cover, unless such an approach is not feasible. Non-native plants are allowed when native plants are not feasible, but in no case are noxious weeds or invasive plants allowed.

4237. All bioengineering projects shall include a program for monitoring and maintenance to ensure the long term viability and function of such projects. Such projects shall be designed, installed and maintained so as to be self sustaining and viable within three years.

4338. The City may require and utilize the following information, in addition to the standard permit information required by WAC 173-14-110 chapter 7, in its review of all bioengineering projects:
   a. Proposed construction timing and phasing.
b. Hydrologic analysis, including predicted flood flows.
c. Site vegetation, soil types, and slope stability analysis.
d. Proposed project materials, including rock size, shape, and quantity; plant types and quantities, and soil preparations.
e. Existing and proposed slope profiles, including location of ordinary high water mark.
f. Proposed design for transition areas between the project site and adjacent properties.
g. Documentation (including photos) of existing (pre-construction) shoreline characteristics.

Emergency Construction

44. Emergency construction may be allowed as development that is exempt from a permit according to WAC 173-27-040(1)(d). All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this master program. (See Section A of this chapter for applicable sections of chapter 173-27 WAC.)

Amend section 3 for consistency with WAC 173-26-211 (5)(c)(ii), WAC 173-26-221 (2)(iii) and (6), WAC 173-26-231 (2), WAC 173-26-231 (3)(b), and WAC 173-26-241 (3)(c)(vii) and (viii).

3. Overwater Structures - Piers, Wharves, Docks, Floats, Boardwalks and Boating Facilities

a. Applicability

Overwater structures for moorage, boat-related navigation, public access and other water-dependent uses or development, including but not limited to docks, piers, wharves, boat launches, swimming/diving platforms, public access ways, fishing piers and viewpoints, shall be subject to the following policies and regulations.

b. Policies

1. New moorage overwater structures should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.

2. Docks and piers Overwater structures should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.

3. Moorage Overwater structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.

4. Moorage Overwater structures should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of overwater
structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.

5. **Moorage** Overwater structures should be constructed of materials that will not adversely affect water quality or aquatic plants and animals.

6. Piers, wharves, and docks Overwater structures should allow for a maximum of littoral drift and should minimize interference with basic hydrological and geological-hydraulic processes.

7. Recreational piers are encouraged to provide for public docking, launching, and recreational access.

8. Moorage serving upland single-family residences should not be allowed.

9. Multiple uses of overwater structures should be encouraged.

c. **Regulations**

**General Regulations for Private and Public Over-water Structures**

1. See section 4 in chapter 3 3.B.4 Critical Salt Water Habitats for restrictions to on overwater structures in critical saltwater habitat areas. Chapter 2 also contains restrictions on overwater structures in specific shoreline segments.

2. All new, reconstructed, repaired, or modified and expanded overwater structures shall only be allowed only in support of an allowed water-dependent use, public access use, or ecological restoration. New and expanded overwater structures must comply with all other applicable regulations as stipulated by State and Federal agencies. New piers or docks shall only be permitted when the applicant has demonstrated that a specific need exists.

3. All moorage and other overwater structures shall be designed and located in a manner that avoids or minimizes:
   a. so as to not constitute a hazard and obstructions to navigation, fishing, swimming and pleasure boating; or other public uses of the water.
   b. Shading of beach substrates; and
   c. Impediments to longshore sediment transport and/or movement of aquatic species.

4. Only piers and ramps elevated above the water are permitted in the first 30 feet waterward of the OHWM. All floats, ells, and fingers and similar structures shall be at least 30 feet waterward of the OHWM. To prevent prop scour, mooring areas for docks, marinas, shipyards, and similar facilities must be located where there is at least 7' water depth at extreme low tide or where it can be shown that prop scour will not adversely impact aquatic vegetation or increase suspended sediments.

5. The proposed length, width and height of overwater structures must be no greater than that required for the safety and practicality of the proposed use. The length of mooring and similar...
facilities shall be no longer than that required for the draft of the largest vessel expected to moor at the facility. The Administrator shall generally defer to the dimensional requirements imposed by project-specific permit conditions by the Corps of Engineers and Washington Department of Fish and Wildlife for new docks, piers and floats, provided the applicant provides justification that such requirements are the minimum necessary.

6. No skirting is permitted on any overwater structure except to contain or protect floatation material. This regulation is to prevent adverse impacts to fish migration and natural water currents.

7. All piers, docks, floats, and similar Overwater structures shall float at all times on the surface of the water or shall be of fixed-pile construction. Floating Overwater structures shall at no time rest on the submerged land substrate.

8. All overwater structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition.

9. Lighting associated with overwater structures shall minimize light spillage on adjacent properties or water bodies.

10. Piles, floats and other overwater structures that are in direct contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials for any portion of the structure that comes into or may come into contact with the water shall be approved by the Washington State Departments of Fish and Wildlife and Ecology for use in the water.

   a. Use of wood members treated with toxic materials is not allowed in any new or reconditioned overwater structures.

   b. Tires are prohibited as part of overwater structures.

   c. All foam material must be completely encapsulated.

11. To minimize adverse affects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:

   a. The width of overwater structures shall be the minimum necessary. For docks, piers, and floats, this means the minimum necessary to afford safe passage. Materials that allow light to pass through the deck are required where the width exceeds four feet;

   b. Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangways in nearshore areas; and

   c. Piers and other above water structures shall be placed as high as feasible and within the height limits established in this SMP to increase light transmission.

12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of Temporary moorages shall be
designed and constructed such that upon termination of the project, the aquatic habitat in the affected area shall be will returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.

132. See covered moorage provisions in Chapter 5 Section B.3: Boating Facilities.

143. If an overwater structure dock is provided with a safety railing, such railing shall not exceed 36 inches in height and shall be an open framework that does not unreasonably interfere with shoreline views of adjoining properties.

154. Moorage facilities Overwater structures shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finishes of the structures themselves shall be generally non-reflective.

165. New private piers or docks serving upland single family residential uses are prohibited. a residential use are prohibited because there are no residential-zoned lots located on shorelines where individual residential docks are feasible without causing significant ecological impacts.

Boat Launches

16. The maximum waterward intrusion of any portion of any launching ramp or lift station shall be the point where the water depth is sufficient for launching the type of boat for which the launch is designed.

17. Boat ramps are only permitted for public access, commercial, public or joint recreational uses, and emergency access.

Mooring Buoys and Piles

178. Mooring buoys and mooring piles are permitted only where there is no conflict with navigation or significant ecological impact to submerged lands and habitats. Mooring buoys and mooring piles serving a private residential property are prohibited. Mooring buoys and mooring piles for which there is no that are not serving a demonstrated commercial or navigational need are prohibited.

189. Installation of new mooring buoys or relocation of existing buoys shall not impede navigation.

2019. The use of buoys for moorage of vessels is shall be preferred over piling or float structures.

204. Mooring buoys shall be located in a manner that minimizes impacts to eelgrass, critical saltwater habitats, and other important ecologically important areas functions.

212. All new mooring buoy and pile installations must comply with all applicable follow guidelines of the Washington State Department of Fish and Wildlife.

223. Mooring buoys in the Aquatic Harbor environment designation are limited to More than four buoys per acre in the harbor area are prohibited. (COE ESA limitation) (US Army Corps limitation under the Endangered Species Act).
Special Facilities on Overwater Structures

234. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.

245. Bulk storage for gasoline, oil, and other petroleum products for any use or purpose is prohibited on piers, wharves, and docks. Bulk storage means non-portable storage in fixed tanks.

256. Storage for boat fueling facilities shall be located landward of the OHWM and meet the applicable policies and regulations for utilities (accessory and primary) and commercial and industrial development.

267. Spill cleanup facilities shall be available for prompt response and application at all piers, wharves, and docks involved in oil and hazardous products transfer.

Amend section 4 for consistency with WAC 173-26-221 (2)(iii) and WAC 173-26-231 (3)(c).

4. Fill

a. Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill for the creation of upland areas is differentiated from landfill. A landfill is the disposal of solid waste materials by burying, and may also be known as a sanitary landfills. Landfill is prohibited in the shoreline jurisdiction.

Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

b. Policies

1. Fill waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal or capping of contaminated sediments, ecological restoration, and other water-dependent uses that are consistent with this SMP.

2. Shoreline fill should be designed and located so there will be no significant adverse ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent property or natural resources systems. Fill is only appropriate for use in altering currents, drainage, channel migration, etc., when it is done as part of an approved ecological restoration plan or project purposes.

3. The perimeter of fill areas should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural-appearing and self-sustaining control methods are preferred over structural methods.

4. Environmental cleanup actions involving excavation/fill, as authorized by Washington Department of Ecology, may be permitted.
c. **Regulations**

1. Fill waterward of OHWM requires a Conditional Use Permit and may be permitted only when:
   a. In conjunction with a water-dependent or public access use permitted by this SMP; or
   b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
   c. As part of an approved shoreline restoration project. Fill waterward of the ordinary high water mark that is for the purpose of restoring ecological functions and habitat or as part of an approved environmental cleanup action is a permitted use and does not require a conditional use permit, unless the proposed fill material includes dredge spoils. (Where fill is a necessary part of approved restoration, it does not require a conditional use permit).

2. Overwater structures shall be supported by piles or piers rather than fill material whenever feasible.

3. **In addition to the requirements in Chapter 7, Applications for fill permits shall include the following:**
   a. Proposed use of the fill area.
   b. Physical, chemical, and biological characteristics of the fill material.
   c. Source of fill material.
   d. Method of placement and compaction.
   e. Location of fill relative to natural and/or existing drainage patterns and wetlands.
   f. Location of the fill perimeter relative to the OHWM.
   g. Means of perimeter erosion control or stabilization.
   h. Type of surfacing and runoff control devices.

4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
   a. Result in significant ecological damage to water quality, fish, wildlife, shellfish, fish and/or wildlife habitat, and critical saltwater habitats.
   b. Adversely alter natural drainage and circulation patterns, currents, or significantly reduce flood water capacities.
   c. Alter channel migration, geomorphic, or hydrologic processes.

5. Sanitary landfills shall not be located in any shoreline jurisdiction.

6. Fill/excavation waterward of the ordinary high water mark that is for the purpose of restoring ecological functions and habitat or as part of an approved environmental cleanup action is a permitted use and does not require a conditional use permit.
Amend section 5 for consistency with WAC 173-26-221 (2)(iii) and WAC 173-26-231 (3)(f).

5. Dredging and Disposal

a. Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp wetland. Activities which may require dredging include the construction and maintenance of navigation channels, levee construction, recreation facilities, boat access, and ecological restoration.

Dredged material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of dredge spoils (the by-products of dredging).

b. Exemptions

Pursuant to WAC 173-27-040 (2)(b), maintenance dredging or dredged material disposal actions may be exempt from the requirement for a shoreline substantial development permit, but may still require a conditional use or variance permit.

c. Policies

1. Dredging operations should be planned and conducted to avoid and minimize interference with ecological processes and functions, navigation, and adverse impacts to other shoreline uses, properties, and values.

2. New uses and development construction should be located, planned and designed to avoid the need for dredging.

3. When allowed, dredging and dredged material disposal should be limited to the minimum amount necessary. Maintenance dredging of established navigation channels should be limited to maintaining previously authorized locations, depth and width.

4. Disposal of dredged material within a littoral drift zone should not be permitted unless it is associated with restoration of natural processes and functions or habitat enhancement.

5. Dredged material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredged material on land would be more detrimental to shoreline resources than deposition in water areas.

6. When dredged material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach enhancement, habitat creation, aggregate, or clean cover material at a landfill (where appropriate).

7. Dredging and dredged material disposal operations should be periodically reviewed for consistency with this master program. Dredging waterward of the OHWM for the
primary purpose of obtaining fill should not be allowed.

8. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels should be allowed when necessary for assuring safe and efficient accommodation of existing navigational uses and only when significant ecological impacts are minimized and when mitigation is provided.

d. Regulations

General

1. New uses and development shall be located and designed to avoid or minimize the need for new or maintenance dredging, where feasible.

2. Maintenance dredging of established navigation channels, public access facilities, and basins is allowed to maintain previously dredged areas and existing authorized locations. The dredging shall be restricted to previously authorized locations, depths, and widths.

3. Dredging waterward of the OHWM for the primary purpose of obtaining material for fill is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be associated with a Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) habitat restoration project or other significant habitat enhancement project. The placement of dredge spoils waterward of the OHWM or in wetlands for such purposes shall require a Conditional Use Permit.

4. Dredge disposal at sites approved through the Puget Sound Dredge Disposal Analysis (PSDDA) Management Plan does not require a Conditional Use permit when the material has been determined to be “suitable” for open water disposal after testing using PSDDA criteria and procedures.

5. Dredging and dredged material disposal shall be permitted only where it is demonstrated that the proposed actions will not:
   a. Result in significant or ongoing damage to water quality, or fish and shoreline aquatic and upland habitat;
   b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce flood water capacities; or
   c. Cause other significant ecological impacts.

6. Proposals for dredging and dredged material disposal shall be the minimum necessary to accommodate the proposed use, and shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs, migration and important localized
biological communities.

3. Dredging and dredged material disposal shall not occur in wetlands, except for a shoreline restoration project as authorized by Conditional Use permit.

7. Dredging and dredged material disposal shall be carefully scheduled to protect biological productivity (e.g. fish runs, migration, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.

8. Dredging and dredged material disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.

6. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.

9. Dredging shall be permitted only:
   a. For navigation or navigational access and recreational access;
   b. Where necessary to support a water-dependent use of water bodies or adjacent shorelands;
   c. As part of an approved habitat improvement restoration project;
   d. To improve water quality or remove contaminated sediments;
   e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
   f. To clean up contaminated sediments;
   f. To maintain existing docks, wharves, water intakes, and culverts, bridges, wastewater treatment facilities and outfalls; or
   h. For new industrial, public (e.g.: US Coast Guard or NOAA) and commercial purposes where dredging results in less adverse impacts to ecological functions than other means of providing the necessary water depth.

8. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.

10. New dredging activity is prohibited in critical saltwater habitats, unless all of the provisions in Chapter 3 section 4 are met:
   a. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents, resulting in the need for continual maintenance dredging, except by Conditional Use permit, and
   b. In critical saltwater habitats.

10. Dredging for the primary purpose of obtaining material for landfill is prohibited.

11. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.
12. Maintenance dredging of established navigation channels, public access facilities, and basins is allowed to maintain previously dredged areas and existing authorized locations or to remove sediment resulting from human activities. The dredging shall be restricted to authorized location, depth, and width.

13. A In addition to the requirements in Chapter 7, applications for shoreline dredging and dredged material disposal shall include all applicable information as required by State and Federal permitting agencies. May be required to provide the following information:

   a. Physical, chemical and biological assessment of the proposed dredged material applicable to the particular dredging site. Information needed will vary depending upon:
      i. Existing biological communities or resources in the area;
      ii. The possibility of significant sediment contamination; and
      iii. The suitability of the proposed dredged material disposal site.

   b. Specific data to be considered include:
      i. Physical - Grain size and percent of clay, silt, sand or gravel as determined by sieve analysis.
      ii. Chemical - Including conventional parameters, metals and organics.
      iii. Biological - Bioassays useful in determining the suitability of dredged material for a selected disposal option.

   c. Dredging methods, schedule, frequency, hours of operation and procedures and anticipated volume of dredge material;

   d. Method of disposal, including the location, size, capacity and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;

   e. Stability of bedlands adjacent to proposed dredging area;

   f. Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, particularly in estuaries, in order to identify existing hydrological and geological patterns and probable effects of dredging;

   g. Assessment of water quality impacts; and

   h. Biological assessment including migratory, seasonal and spawning use areas.

Regulations — Dredged Material Disposal

14. Depositing clean dredged materials in water areas shall be allowed by conditional use permit only for one or more of the following reasons:

   a. For wildlife habitat improvement;
b. To correct problems of material distribution adversely affecting fish and shellfish resources;

c. For permitted beach enhancement;

d. When the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing in water areas; or

e. Sites approved through the Puget Sound Dredged Disposal Analysis (PSDDA) Management Plan are exempt from conditional use permit but shall require a shoreline substantial development permit when the material has been determined to be “suitable” for open water disposal after testing using PSDDA criteria and procedures.

125. Dredge spoil disposal waterward of the OHWM Disposal, if allowed in water, shall utilize techniques which limit cause the least dispersal and broadcast of materials unless specifically designed and approved as a dispersal site.

136. Use of dredged materials When used for beach enhancement, dredge spoil placement shall be conducted so that:

   a. Erosion or deposition downstream from the disposal site is minimized. Erosion of the dredged material shall The spoils do not smother marsh or other shallow productive areas, and,

   b. To the extent possible, the volume and frequency of dredged material disposal The disposed spoils maintains a stable beach profile, to the extent feasible. Dredged material Spoils shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish or other ecological impacts.

17. Land disposal sites shall adhere to the following criteria when done within shoreline jurisdiction:

   a. Containment dikes and adequate settling basins shall be built and maintained so that the site’s discharge water carries a minimum of suspended sediment;

   b. Proper diversion of surface discharge shall be provided to maintain the integrity of natural streams, wetlands and drainages;

   e. Runoff water shall be controlled so as to enter a waterway through grassy swales or other treatment features that assure protection of water quality and other environmental resources;

   d. Underground springs and aquifers shall be identified and protected; and

   e. Dredged material disposal shall constitute landfill and shall comply with the landfill provisions in this master program.

148. Nearshore or upland disposal of Dredged materials shall not be disposed of located upon, in locations that adversely affect, or diminish:

   a. Estuaries, wetlands, or significant plant communities;
19. Where the City's Shoreline Administrator requires, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used in the revegetation.

20. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this SMP.

21. The City's Shoreline Administrator may impose reasonable limitations on dredged material disposal operating periods and hours and may require provision for buffers at land disposal or transfer sites in order to protect the public safety and other lawful interests from unnecessary adverse impacts.

22. Dredged material disposal in PSDDA sites may be approved if in accordance with this SMP and other applicable regulations.

Amend section 6 for consistency with WAC 173-26-231 (3)(g).

6. Shoreline Restoration

a. Applicability

"Shoreline restoration" or "ecological restoration" is the significant re-establishment or the improvement of shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments or substances. To restore does not necessarily mean returning the shoreline area to aboriginal or pre-European settlement condition. The materials used are dependent on the condition of and intended use of the restored shoreline area. Along armored shorelines, activities such as rip rap removal, slope cut-back, sediment amendment and placement of materials like wood may be necessary for restoration.

The Shoreline Restoration Plan which accompanies this SMP recommends ecological restoration measures and identifies programmatic opportunities for restoration. The Shoreline Restoration Plan is not intended to limit other restoration projects. Individually, restoration projects proposed and conducted specifically for the purpose of establishing, restoring or enhancing habitat for priority species in shoreline jurisdiction are a preferred action.

b. Policies

1. The City should consider shoreline restoration as an alternative to structural shoreline stabilization and protection measures where feasible.

2. All shoreline restoration projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

3. Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.
4. The City should pursue the recommendations in the Shoreline Restoration Plan prepared as part of this SMP update. The City should give priority to projects consistent with that plan and other adopted plans. Restoration projects should pursue legitimate restoration needs and priorities.

c. Regulations

1. Shoreline restoration may be permitted if the project proponent demonstrates that no significant adverse impacts to sediment transport will result and that the restoration measure will not adversely affect ecological processes, properties, or habitat.

2. Shoreline restoration projects shall use best available science and management practices and shall meet comply with all federal and state regulations and procedures.

3. Shoreline restoration shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

4. Shoreline restoration projects may be permitted in all shoreline environments. The project does not need to be noted in the Shoreline Restoration Plan but it must not be contrary to the principles and general objectives of the plan.

5. Shoreline restoration projects conducted by a public entity shall must include or improve the quality of public access or water dependent uses where such improvements are feasible and do not detract from the intended ecological restoration purpose.

6. Shoreline restoration projects may include shoreline modification actions such as vegetation removal, shoreline stabilization, dredging, or filling provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

The City may grant relief from SMP standards in cases where an ecological restoration project causes a landward shift in the ordinary high water mark in accordance with RCW 90.58.580.

Amend section 7 for consistency with WAC 173-26-221 (3) and WAC 173-26-231 (3)(a)(iii)(E).

7. Dikes and Levees

a. Applicability

Dikes and levees are manmade earthen embankments utilized created for the purpose of flood control, water impoundment projects, or settling basins.

b. Policies

1. Structural flood hazard reduction measures should be avoided whenever possible. When evaluating alternative flood control measures, the City should consider the removal or relocation of structures in flood-prone areas.
2. Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program.

23. Environmental enhancement measures and, where feasible, public access improvements should be a part of levee or dike proposals improvements.

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval requirements, federal levee criteria, and in consideration of other applicable resource agency recommendations.

2. Dikes and levees shall protect the natural processes and resource values ecological functions associated with marine shorelines, streams streamways, and deltas, including, but not limited to, fish and wildlife habitat.

3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.

4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.

5. Public access to shorelines should be an integral component of all public entity levee improvement projects. Public access shall be provided in accordance with the public access policies and regulations contained herein chapter 3. New dikes or levees must not impede or diminish public access.

6. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

7. Structural flood hazard reduction measures shall only be authorized when demonstrated by a geotechnical report that they are necessary to protect existing development, that nonstructural means are not feasible, that impacts on ecological functions and habitat for priority species can be successfully mitigated so as to achieve no net loss.

8. Proposals for dikes and levees shall comply with the mitigation sequence and vegetation conservation provisions in chapter 3 of this SMP.

9. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan or other comprehensive effort that considers impacts to the watershed.

10. New structural flood hazard reduction measures shall be located landward of associated wetlands and designated vegetation conservation areas, where feasible. Where feasible, the construction, repair, or reconstruction of dikes or levees shall include environmental restoration. The Port Angeles Shoreline Restoration Plan accompanying this SMP provides guidance the City’s Shoreline Administrator will use in determining the amount and type of restoration required.
Chapter 5 – Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. The Shoreline Use Matrix in Chapter 2 Section C indicates in which environment designations each shoreline use is allowed.

B. Shoreline Use Policies and Regulations

Amend section 1 to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(iii)).

1. General Policies and Regulations
   
a. Applicability
      
The following provisions apply to all developments and uses in the shoreline jurisdiction.

b. Policies
   
1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shorelines.

   In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses, as defined in Chapter 6, Definitions.

2. The City should ensure that all proposed shoreline uses and development will not diminish the public’s health, safety, and welfare, or adversely impact ecological functions.

3. The City should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.

c. Regulations
   
1. All uses not explicitly covered in the SMP require a conditional use permit. The City’s Shoreline Administrator shall impose conditions on all shoreline permits and exemptions as needed to ensure that the proposed use or development meets the policies of this SMP.

2. All development and uses must conform to all provisions in the SMP.

3. All development and uses shall conform to the shoreline use matrix and the development standards matrix in Section C of Chapter 2 unless otherwise stated in this chapter 5.
24. Non-water oriented uses and development are generally not allowed in shoreline jurisdiction. There are exceptions in specific shoreline environment designations or situations (see chapter 2 and table 1). Developments that include a mix of water-oriented and non-water oriented dependent uses may be allowed provided the non-water-oriented uses functionally support, are subordinate to and are compatible with the water-oriented dependent uses and otherwise comply with the provisions of this SMP.

   a. In no case shall the non-water oriented use be located waterward of the water dependent use.

   b. Only water dependent portions of the use that require direct shoreline access may be located within the setback or a required vegetation conservation area.

   c. Encroachments into a required VCA shall be mitigated in accordance with chapter 3 section 12.

Amend section 2 for consistency with WAC 173-26-201 (2)(d) and (e), WAC 173-26-211 (5)(c), WAC 173-26-221 (2)(b) and (2)(iii), WAC 173-26-241 (3)(b), and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

2. Aquaculture

   a. Applicability

Aquaculture is the farming or culturing of feed fish, shellfish, or other aquatic plants and animals in streams, inlets, estuaries, and other natural or artificial water bodies. The culture of aquatic plants or animals in tanks on upland shoreline areas is also considered to be an aquaculture use. Aquaculture does not include the harvest of wild geoduck associated with the State owned managed lands wild geoduck fishery, or activities on private property for personal consumption.

Aquaculture activities include but are not limited to the hatching, cultivating, planting, feeding, stocking, disease treatment, cleaning, waste disposal, storage, staging, raising and harvesting of aquatic plants and animals, and the maintenance and construction of associated equipment, buildings and growing areas. Excluded from this definition are related industrial uses such as final processing, packing and freezing, and commercial uses such as wholesale and retail sales. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of clams and oysters on tidelands and subtidal areas. Excluded from this definition are related commercial and industrial uses, such as wholesale and retail sales, final processing, and freezing.

See Chapter 6, Definitions, for definitions of an aquaculture facility or farm, bottom culture, floating aquaculture, net pens, shellfish, and shellfish habitat conservation areas.

b. Policies
1. Within the Port Angeles Harbor, the maintenance and improvement quality of water quality and performance of other ecological functions, as well as navigation, public access, tribal fishing activities, and visual considerations; aesthetics are more consistent with significant public objectives. These objectives should take precedence in shoreline areas, when inconsistent with new or expanded aquaculture activities.

2. Consideration should be given to both the possible positive impacts and the possible detrimental adverse impacts that new and expanded aquaculture uses and development might have on these public objectives: physical environment, other existing and approved land and water uses, including navigation, tribal “usual and accustomed fishing grounds”, public access and the aesthetic qualities of the project area.

3. Forms of aquaculture that involve lesser minimal environmental and visual impacts should be encouraged. Projects Aquacultural uses and development that involve little or no substrate modification should be encouraged over those that involve substantial substrate modification.

4. Aquaculture projects that restore native shellfish species should be encouraged.

5. Prior to issuing any permits for aquaculture activities, the City should determine that there are no significant unmitigated adverse impacts to the natural ecology, water quality, and navigation from the proposed development or activity.

6. Tidelands, bedlands, commercial shellfish beds, and areas with Public access to tidelands and public shellfish harvesting areas should not be adversely impacted by new or expanded aquaculture activities. Aquaculture should not be permitted where it would adversely impact eelgrass and microalgae, or significantly conflict with navigation and other water dependent uses.

7. In evaluating proposed aquaculture actions, the City should work with Washington State Department of Natural Resources (DNR), Washington State Department of Fish and Wildlife (DFW), area tribes, and shellfish aquaculture interests to determine the suitability of specific areas, proposed locations, aquaculture types and design and implementation requirements for individual and proposals.

8. Aquaculture projects should locate in areas where biophysical conditions, such as tidal flow, currents, water temperature and depth, will avoid and minimize adverse environmental impacts. Individual projects should be separated by a sufficient distance sufficient to ensure that significant adverse cumulative effects do not occur.

9. Chemicals and fertilizers used in aquaculture operations should only be those specifically approved for aquatic use by the Washington State Department of Ecology and used in accordance with state and federal laws and this SMP.

10. Some forms of aquaculture are dependent on the use of the water area; when consistent with control of pollution and prevention of damage to the environment, water-dependent aquaculture uses and development are a preferred use of the
c. Regulations

1. Applicants shall include in their shoreline permit applications all information required by State and Federal permit applications for new and expanded aquaculture uses and development needed to conduct thorough evaluations of their aquaculture proposals, including, but not limited to, the following:

   a. Species to be reared.
   b. Aquaculture method(s).
   c. Anticipated use of any feed, pesticides, herbicides, antibiotics or other substances and their predicted impacts.
   d. Manpower/employment necessary for the project.
   e. Harvest and processing location, method and timing.
   f. Location and plans for any upland activities, including loading and unloading of the product and processing.
   g. Method of waste management and disposal.
   h. Environmental assessment, including best available background information on water quality, tidal variations, prevailing wind conditions, current flows, flushing rates, aquatic and benthic organisms and probable impacts on water quality, biota, currents, littoral drift and any existing shoreline or water uses. Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts to, existing shoreline or water conditions and/or uses, vegetation, and overwater structures, when the environmental assessment is inadequate to provide information necessary for regulators to make a fully informed decision. Baseline monitoring shall be at the applicant’s expense unless otherwise provided for.
   i. Method(s) of predator control.
   j. Use of lights and noise generating equipment overwater that minimizes interference with surrounding uses.
   k. Visual impacts. For floating and above-water facilities, the City shall reserve the right to require that a visual impact analysis be conducted using a method approved by the City. Generally, the methods for identifying and analyzing potential visual and cumulative impacts will follow the principles in the Aquaculture Siting Study, Washington State Department of Ecology publication number 86-10-000 (October 1986).
   l. Change in species grown or harvest practices.
   m. Number, types, and dimensions of structures, apparatus, or equipment.
n. Potential impacts to animals, plants, and water quality due to the discharge of waste water from any upland development.

o. Proof of application for an aquatic lands lease from the Washington State Department of Natural Resources (DNR) or proof of lease or ownership if bedlands are privately held.

p. Department of Health (DOH) Shellfish Certification Number.

q. Department of Fish and Wildlife (DFW) commercial aquatic farm or non-commercial, personal consumption designation.

r. Proof of application for any permits required by the U.S. Army Corps of Engineers, DFW, DOH, or other agency.

s. Other pertinent information deemed necessary by the City.

2. The location of floating and submerged aquaculture structures shall not significantly:
   a. Restrict navigation to or along the shoreline,
   b. or interfere with general navigation lanes and boating traffic, or
   c. Interfere with Tribal "usual and accustomed fishing locations".

Floating structures associated with aquaculture uses and development shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities in order to protect navigational access may be necessary based on the size and shape of the affected water area.

3. No aquatic organism shall be introduced into City salt or fresh waters regulated by this SMP without prior written approval of the Washington Department of Fish and Wildlife or other appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to the City prior to the granting of the substantial development or shoreline permit.

4. Aquaculture structures and activities that are not water-dependent (e.g., warehouses for processing or storage of products and parking lots) shall not be located inland of the ordinary high water mark, upland of water dependent portions of the project in the Aquatic environment designations and shall be located, designed and constructed to avoid and minimize detrimental adverse impacts to the shoreline.

5. All structures and equipment associated with aquaculture shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired by the owner. Where any proposed structure has the potential to constitute a hazard to the public, the City may require the posting of a bond commensurate with the cost of removal or repair. Following notice to the owner, the City may abate an existing abandoned or unsafe aquaculture structure if the owner fails to respond in thirty days. The City and may also impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.
65. Aquaculture activities shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

76. Aquaculture activities and facilities shall be located at least 600 feet from any national wildlife refuge lands and/or habitats of special significance for birds or mammals (as identified in recognized reference documents such as the Washington State Department of Ecology publication, "Washington Coastal Areas of Major Biological Significance," and/or as determined by the Washington State Department of Fish and Wildlife); where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as outlined in chapter 3. Provided that fish net-pens and projects involving substantial substrate modification Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable State or Federal regulations. Be located 1,500 feet or more from such areas. The Shoreline Administrator may authorize lesser distances by permit other than a variance if it is demonstrated by the applicant that the wildlife resource will be protected and if the change is supported by the reviewing resource agencies. Greater distances also Larger buffers or other protections may be required if supported by the reviewing relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to the mitigation sequencing requirements of this Program (chapter 3, section 1).

87. Predator control shall not involve the intentional killing, injury or abusive harassment of birds or mammals. Control methods shall comply with federal and state regulations.

98. When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm. A conditional use permit shall be valid for the period specified in the permit. Authorization to conduct such activities shall be valid for a period of five (5) years with a possible extension per chapter 7 of this Program. After the aquaculture use or development is established under the shoreline permit, continued operation of the use or development, including, but not limited to, maintenance, harvest, replanting, restocking or changing the culture technique or species cultivated shall not require a new, renewed or revised permit unless otherwise provided in the conditions of approval or this Program. Permit revisions shall proceed in accordance with WAC 173-27-100. Changing of the species cultivated shall be subject to applicable standards of this Program.

109. A new permit is required when:
a. The physical extent of the facility or farm use or development or associated overwater coverage is expanded by more than twenty-five ten percent (25\% \& 10\%) or more than twenty-five percent (25\%) of the facility/farm changes operational/cultivation methods compared to the conditions that existed as of the effective date of this SMP or any amendment thereof. If the amount of expansion or change in overwater coverage cultivation method exceeds twenty-five ten percent (25\% \& 10\%) in any ten (10)-year period, the revision or sum of the revision and any previously approved revisions entire operation shall require the applicant apply for a new permit be considered new aquaculture and shall be subject to applicable permit requirements of this section; or

b. The facility use or development proposes to cultivate a species not previously cultivated within Port Angeles’ jurisdictional waters; or

c. There is the introduction of New chemicals not previously approved as part of the existing permit are proposed for use.

119. Floating/hanging aquaculture structures and associated equipment shall not exceed six (6) feet in height above the water's surface. The Administrator may approve hoists and similar structures greater than six (6) feet in height when there is a clear demonstration of need. The six foot height limit shall not apply to vessels or materials/apparatus removed from the site on a daily basis.

124. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.

132. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements. Aquaculture projects shall be sited so that there will be no significant adverse impacts to critical saltwater habitats, including existing red/brown macroalgae (kelp), and eelgrass beds.

143. Aquaculture projects use and development that requires attaching structures to the bed or bottomlands shall use anchors that minimize disturbance to substrate.

154. Aquaculture projects shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.

165. Aquaculture facilities are required to identify and use best management practices to minimize impacts such as light and noise from the construction and management of the facilities. Non-navigational directional lighting associated with aquaculture use is not permitted.

17. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant/proponent and the affected tribe(s). The Administrator will notify affected tribes of new shoreline permit applications in the manner outlined in chapter 7.

18. Additional standards for commercial geoduck aquaculture:
a. In addition to the standards above, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

b. All permits shall take into account that commercial geoduck operators have the right to harvest geoduck once planted.

c. All subsequent cycles of planting and harvest shall not require a new CUP, subject to WAC 173-27-100.

d. A single CUP may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the Program’s jurisdiction.

e. Commercial geoduck aquaculture workers shall be allowed to accomplish on-site work during low-tides, which may occur at night or on weekends. Where such activities are necessary, noise and light impacts to nearby residents shall be mitigated to the greatest extent practicable.

f. Where an applicant proposes to convert existing non-geoduck aquaculture to geoduck aquaculture, a Conditional Use permit shall be required.

g. In addition to the requirements in chapter 7, proposals and applications for commercial geoduck aquaculture shall comply with and contain all of the items identified in WAC 173-26-241 (3)(b)(iv).

Amend section 3 for consistency with WAC 173-26-201 (2)(e), WAC 173-26-211 (5)(c), WAC 173-26-221 (2)(iii) and (6), WAC 173-26-241 (3)(c), and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

3. Boating Facilities

a. Applicability

Boating facilities include marinas; dry storage and wet-moorage types; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts. Elements of boating facilities, such as piers, docks, or mooring buoys, may also be subject to the provisions for overwater structures in chapter 4. Docks, piers or boat launches associated with single family residences are not considered boating facilities.

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide a centralized site for extended moorage for more than four (4) vessels, including yachts, commercial or research vessels, and small pleasure craft. For regulatory purposes, large community moorage facilities, yacht club facilities, and camp or resort moorage areas would also be reviewed as marinas. Boat launch facilities, supplies and services for small commercial and/or pleasure craft may be associated with marinas.

Marinas are usually located in the intertidal or offshore zone and may require breakwaters...
of open-type construction (floating breakwater and/or open pile work) and/or solid-type construction (bulkhead and landfill), depending on the location.

Boat launches and businesses offering supplies and services for boaters and boat operators are often associated with marinas. These uses are considered accessory to the marina when subordinate in size and scale to the primary marina use. Other accessory uses found in marinas and other boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, vessel repair services, public launching, bait and tackle shops, potable water, waste disposal, administration and maintenance structures, parking, eateries, grocery and dry good sales.

The above listed uses and modifications activities associated with marinas and other boating facilities which are identified in this section as separate uses (e.g., Commercial Development and Industrial Development, including ship and boat building, repair yards, utilities, and transportation facilities) or as separate shoreline modifications (e.g., piers, docks, bulkheads, breakwaters, jetties and groins, dredging, and fill). These uses and modifications are subject to the regulations established for those uses and modifications, in addition to the standards for boating facilities established in this section. If there is a conflict, the Administrator shall determine the applicable standards in a manner most protective of shoreline resources.

b. Policies

1. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the surrounding area visually affected and will not unreasonably impair shoreline views.

2. Boating facilities should be located, designed, and operated to provide maximum feasible protection of existing ecological processes and functions and all forms of aquatic, or terrestrial life and their habitats and migratory routes. To the extent possible, boating facilities should be located in areas of low biological productivity and outside of fish migration routes to the extent feasible. Adverse impacts to ecological processes or life forms should be mitigated.

3. Launch areas for non-motorized hand-held craft should be provided at appropriate public access sites.

4. Existing public moorage and launching facilities should be retained and maintained.

5. New marina facilities and improvements to existing marinas should be designed to accommodate include public access and enjoyment of the shoreline, including provisions for example walkways, viewpoints, restroom facilities, and other recreational uses, according to consistent with the scale of the facility.

6. On State-owned aquatic lands, boating facilities should adhere to the standards and requirements of the Washington State Department of Natural Resources (DNR).

c. Regulations

1. The applicant is responsible for complying with all applicable state and federal agency requirements and procedures relating to the construction and operation of
boating facilities and associated uses or developments.

It is the applicant’s responsibility to comply with all applicable state agency policies and regulations, including, but not limited to: the Department of Fish and Wildlife criteria for the design of bulkheads and landfills; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.

2. New boating facilities shall not significantly impact the rights of navigation on waters of the state.

3. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would result and shall not adversely affect critical saltwater habitats (see Chapter 3, Section B.4, Critical Salt-Water Habitats).

4. Boating facilities shall comply with the mitigation sequence outlined in chapter 3, section 1 as well as all applicable critical area and vegetation conservation standards in chapter 3 of this SMP. The City’s Shoreline Administrator shall require ecological restoration measures to account for environmental impacts to the shoreline ecology and to ensure no net loss of ecological function. The City’s Shoreline Administrator will consult the provisions of this SMP, including the Shoreline Restoration Plan and the Cumulative Impact Analysis to determine appropriate mitigation.

Design/Renovation/Expansion

5. Boating facility design shall be located on stable shorelines and designed so as to:

a. Provide thorough flushing of all water/tidal exchange and circulation in enclosed water areas.

b. Maintain intertidal and shallow subtidal migratory pathways for juvenile fish species and shall not restrict the movement of other aquatic life requiring shallow water habitat.

c. Minimize interference with sediment transport or other coastal geohydraulic processes and disruption of existing shoreline ecological functions.

d. Minimize the adverse impacts of shading on the water’s surface by resulting from overwater structures through means such as, but not limited to:

i. Minimization of overwater coverage;

ii. Elevation of piers above the water to the maximum extent reasonable

iii. Limiting floats in the nearshore area;
ivii. Incorporating grated decking or other materials ing that allows light penetration; and

iv. Other design measures.

e. Minimize the need for channel construction or dredging, maintenance dredging, filling, beach enhancement, and other shoreline modification activities.

6. Moorage of floating homes, house barges and/or (house boats houses) in marinas is prohibited.

7. Up to 10% of the total number of slips of an established in a new marina may be occupied by live-aboards (boats with people living on them as a primary residence for an indefinite period of time). The Port of Port Angeles Boat Haven Marina may provide for up to 30 live-aboards or 10% of the total number of moorage slips, whichever is larger. Live-aboards may regulations are to provide a sense of increased security due to and on-site human presence.

8. All marinas shall include measures for sewage pump-out and disposal. Location of Boat waste disposal facilities (pump-outs, dump stations and toilets) shall be considered and located within marinas on an individual basis through consultation with the Departments of Health, Ecology and Parks as needed applicable.

9. In addition to the application requirements in chapter 7, the City shall require and utilize the following information in its review of new or expanded marina proposals:

a. Existing natural shoreline and backshore features and uses.

b. Geohydraulic Sediment transport processes and flushing characteristics, including but not limited to volumes, rates and frequencies.

c. Biological resources, habitats, and migratory routes of marine animals for species within the backshore, foreshore, and aquatic environments.

d. Bathymetric contours (1-foot increments).

e. Ownership and lease agreements of submerged lands.

f. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shoreline stabilization and flood protection necessary.

g. Impact upon existing shoreline and water uses, and created anticipated demand for shoreline and water uses including public access, recreation, and views.

h. The design of the Location of accessory facilities, including sewage disposal, water quality and invasive species transfer controls (e.g., wash down facilities)

i. Overwater coverage and associated shading.

j. Provisions for the prevention and control of fuel spillage and management of storm water management, and
k. a landscaping plan (see regulation 12 below). The landscaping plan shall identify the size, location and species of plants that will be used. Native species are required where feasible. Such plan shall also outline maintenance and monitoring steps, and may include a financial security requirement, to ensure all landscaping is viable and self sustaining after three years.

109. Accessory uses at marinas or public launch ramps shall be limited to those which are water-oriented, water-related or water-enjoyment or that provide a necessary functionally that supports marina activities or users (e.g., public restrooms, harbormaster offices, etc.). Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.

10. Boat launches and marina entrances shall not be located closer than 1,000 feet from swimming beaches or commercial or recreational fishing or shellfish collection areas identified in the Shoreline Inventory, Characterization, and Analysis report prepared for this SMP unless the City determines there is no suitable alternative.

11. Marinas and launch ramps shall not locate where they would impair at or along significant littoral drift sectors, including adjacent to resource material areas, such as feeder bluffs, and accretion beaches, points, spits and hooks, marshes, bogs, swamps, wetlands and lagoons, and estuaries. Marinas also shall not locate where they would result in adverse impacts to significant fish and shellfish spawning and rearing areas, or poorly flushed lagoons and backwaters identified in the Shoreline Inventory, Characterization and Analysis report prepared for this SMP.

12. The perimeter of new or expanded parking, dry moorage and other storage areas shall be landscaped to provide and maintain a visual buffer between adjoining dissimilar uses or scenic areas. The permit application shall identify the size, location and species of landscape plants that will be used. Although native species may not always be viable or desirable in urban and intensively developed conditions, native vegetation shall be employed where the Shoreline Administrator determines it to be feasible and beneficial.

13. Public access, both visual and physical, shall be an integral part of all new or expanded marinas or public launch ramps development and The type/design of public access shall be consistent in scale and intensity with the proposed boating facility in accordance with the public access requirements in chapter 3. commensurate with the particular proposal and New and expanded boating facilities must include ensure the following:

a. Marinas and public launch ramps shall be designed so that e Existing or potential public access along beaches is not unnecessarily blocked nor made dangerous, and public use of the waters below the ordinary high water mark is not unduly impaired.

b. Where allowed, covered moorage in marinas shall not be constructed where visual access from public access areas is significantly impaired and/or the views of significant numbers of residences is blocked.
The need to protect and restore ecological functions carries higher priority than protection of views.

14. Upland facilities shall be designed and managed in compliance with the Port Angeles Urban Services and Standards Guidelines manual storm water BMPs in order to minimize or prevent negative impacts to water quality. Impervious surfaces should be minimized to the extent feasible.

15. To the maximum extent possible, marinas shall share parking facilities to the maximum extent feasible, with marina boating facility usage given the preference for utilizing parking within shoreline jurisdiction.

Utilities (Accessory to a boating facility)

16. Public boat launch facilities shall provide and maintain rest rooms or portable toilets and dump stations. All marinas with over 20 moorage slips shall provide rest rooms and showers for boaters’ use. They shall be kept clean and at a minimum. Restrooms and showers shall be located outside of shoreline jurisdiction to the extent feasible. Marinas within 200 feet from the dock or pier, there shall provide one toilet and hand washing facility for each sex per fifty moorage sites; signs shall be posted so that the rest rooms are easily identifiable to the boating public.

17. Pipes, plumbing, wires and cables at marina sites shall be placed at or below ground and dock levels.

Management and Operations

18. Marinas shall have include facilities, equipment and shall post established posted procedures for the containment, recovery and mitigation of spilled petroleum, sewage and/or toxic products and debris from maintenance and repair practices.

19. Garbage and recycle receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site. This should include separate receptacles for waste oil and other potentially hazardous or toxic waste.

20. The dock Moorage facilities within marinas shall be equipped with adequate functional lifesaving equipment such as life rings, hook and ropes. Adequate fire protection shall be required as per the City adopted Fire Code.

Boat Launches

21. Public launch ramps shall be located where upland and aquatic access are appropriate for the scope of the facility so that parking, where feasible, be located only on stable shorelines where; and circulation do not adversely impact neighboring uses or the public rights of navigation.

a. Water depths are adequate to eliminate or minimize the need for offshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other harbor and channel maintenance activities.
b. There is adequate water mixing and flushing, and the facility is designed to not retard or negatively influence flushing characteristics.

22. Ramps shall be placed and kept near flush with the foreshore slope to minimize the interruption of geohydraulic shoreline processes.

23. The maximum waterward instruction of any portion of any launching ramp shall be the point where the water depth is sufficient for launching the type of boat for which the launch is designed.

Covered Moorage

243. Covered moorage is prohibited between Cherry Street (extended) and Vine Street (extended) and on the UC-R and HI-M portions of the Ediz Hook shoreline outside of the Port of Port Angeles Boat Haven Marina.

254. When new covered moorage or the replacement of existing covered moorage is proposed within the Boat Haven Marina, developers are required to the applicant shall provide a detailed plan for covered moorage development before permits are granted. Such a plan must indicating:

a. covered moorage The location, size and general design of the proposed structure;

b. The impact on shoreline views from public access points within in the marina and from adjacent private and public properties and residences; and

c. That the structures will be built to conform to the City building code, withstand stresses from anticipated storm and weather conditions or damage by fire, and that exterior wall and roof coverings shall be of noncombustible or fire-retardant-treated material and so certified or labeled.

265. The maximum height for covered moorage is 20 feet above the extreme high tide level ordinary high water mark.

Mooring Piles and Buoys

276. Mooring buoys shall be located as close to the shoreline as possible but outside of critical salt-water habitats. Mooring buoys shall be designed to eliminate damage (e.g., from the scour of anchoring chains or cables) to eelgrass and kelp beds. Consult with the Clallam Marine Resources Committee for advice and assistance in this regard. (See also regulations for mooring buoys in Chapter 4, section 3 .B .3.c.18 through .23.).

287. Buoys must shall be discernible under normal daylight conditions at a minimum of 100 yards and must shall have reflectors for night time visibility.

298. Mooring buoys shall be clearly marked with the owner’s name, contact information, and permit number(s).

2930. The installation and use of mooring buoys shall be consistent with all applicable
state and federal laws and including WAC 246-282, the current National Shellfish Sanitation Program (NSSP) standards, as well as other State Departments of Fish and Wildlife, Health, and Natural Resources standards.

31. Vessels shall not moor on waters of the state for extended periods unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

Amend section 4 for consistency with WAC 173-26-020 (39), WAC 173-26-201 (2)(d) and (e), WAC 173-26-241 (3)(d), and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

4. Commercial Development

a. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Commercial uses can be water-dependent, water-related, water-enjoyment or non-water-oriented. Water dependent commercial uses include, for example, boat sales rental, water taxis or eco-marine tourism where direct access to the water is necessary. Water related commercial uses include, for example, the sale of boating supplies that could occur in an upland area but which derive benefit from being proximate to the shoreline. Water-enjoyment commercial uses include those uses that help people to enjoy the shoreline, such as eating and drinking establishments and shops, where views of or public access to the water are emphasized.

Uses and activities associated with commercial development that are identified as separate uses in this program include Mining, Industry, Boating Facilities, Transportation Facilities, and Utilities (accessory), and Solid Waste Disposal. Commercial uses and development must meet all applicable requirements established by the SMP.

Piers and docks, bulkheads, shoreline stabilization, flood protection, and other shoreline modifications associated with commercial development are subject to shoreline modification regulations in Chapter 4 in addition to the standards for commercial development established herein.

b. Policies

1. New commercial development located in areas adjacent to the shoreline jurisdiction should be limited to those which are water-oriented as defined herein. Non-water-oriented development is strongly discouraged and should not, however, when permitted, it should not displace water-oriented development in shoreline areas. Non-water oriented uses and development should only be allowed where:

   a. It is a subordinate part of a mixed use development;

   b. The primary use in the mixed use development is water dependent;

   c. The non-water oriented portion of the development is located landward of all water oriented uses; and
d. The non-water oriented use does not interfere with or displace a water dependent use.

Non-water oriented commercial uses and development may also be allowed on a site that is physically separated from the shoreline by another property or public right of way.

2. **Water related and water enjoyment** commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.

3. Multiple-use concepts which include ecological restoration, open space area and recreational activity should be encouraged in commercial developments.

4. All new non-water-oriented commercial development, where allowed, should be conditioned with the requirement to provide ecological restoration and public access.

c. **Regulations**

1. Non-water-oriented commercial uses and developments will be permitted in shoreline jurisdiction only where they are either on a site separated from the shoreline by another property, a public trail, or street right-of-way, or where all three of the following can be demonstrated:
   a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site’s separation from the water.
   b. The proposed use or development does not usurp or displace a water-oriented use, usurp land currently occupied by a water-oriented use, and will not interfere with adjacent water-oriented uses.
   c. The proposed use or development will provide a significant public benefit with respect to the objectives of the SMA by providing increasing ecological functions restoration together with and/or public use of or access to the shoreline.
   d. The proposed use or development is part of a mixed use development where the primary use is water dependent.

2. Commercial uses and development shall be designed to avoid and mitigate ecological impacts, to mitigate for any unavoidable ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline’s visual qualities, such as views to the waterfront and the natural appearance of the shoreline. To this end, the City’s Shoreline Administrator may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards per PAMC Title 17 without a variance permit) or prescribe conditions in permits for commercial uses and development to address such issues, including but not limited to conditions that limit operation intensity, require landscaping or screening, etc. standards as the
3. All new or expanded water-related and water-enjoyment commercial uses and developments shall mitigate impacts to shoreline resources and values by be conditioned with the requirement for providing ecological restoration and public access, unless such measures are demonstrated to be not infeasible. (See definition of “feasible.”) Restoration that is required as mitigation in this context shall comply with the regulations in chapter 3, section 12.

4. All commercial loading and service areas shall be located and/or screened to minimize adverse visual impacts to the shoreline environment (including visual impacts, such as a view of loading doors or trash receptacles from the public access facilities, including the Olympic Discovery/Waterfront Trail public shoreline areas. At a minimum, parking and service areas shall be screened from view from public access areas by a 10-foot strip of landscaping with shrubs that will be at least 3 feet high within two years of planting and trees a minimum of 2-inch caliper spaced at species-appropriate distances 30 feet on center. All landscaping shall be consistent with the specific environment designation’s Vegetation Conservation Area. The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security concerns.

5. All new or expanded non-water-oriented commercial uses or developments located adjacent to the Olympic Discovery/Waterfront Trail shall provide a minimum of a 10-foot-wide strip of landscaping between the building and the trail. The landscaping shall include:
   a. Shrubs that will grow to at least 3 feet high within two years of planting;
   b. Vegetative ground covers that will cover the planted area within at least two years;
   c. Trees will be required if the Administrator determines there is are encouraged if there is sufficient space depending on the setting and the desired tree species room;
   d. A sight-obscuring fence is not required; and
e. The City Shoreline Administrator may modify these required landscaping patterns within these areas requirements to account for legitimate to avoid safety and security concerns.

**Exception:** Landscape screening is not necessary if the building façade facing the trail features transparent glazing over 50 percent of the façade area between 2 and 8 feet above grade or a public entrance open during business hours. If the building entrance opens onto the trail, it must be set back from the trail at least 6 feet to avoid collisions.

6. Commercial development and accessory uses must conform to if the setback standards in chapter 2 conflict with those for the commercial use or zone established in the most current version of PAMC Title 17, the most restrictive shall prevail.

7. The City shall require and utilize evaluate the following information in its review of new or expanded commercial use or development proposals:
   a. Nature of the commercial activity (e.g. water-dependent, water-related, water-enjoyment, non-water-oriented, mixed-use), including a breakdown of space requirements for each specific components;
   b. Need for shoreline location;
   c. Special considerations proposed to for enhancing the relationship of the activity to the shoreline;
   d. Provisions for public access to the shoreline, both physical and visual;
   e. Provisions to ensure that the development will not cause adverse environmental impacts; and
   f. For mixed-use proposals, present alternative mixes of water-oriented and non-water-oriented uses and activities, structural locations, site designs and bulk considerations, alternative public access opportunities enhancements for physical and visual public access to the shoreline (both public and private space) and other considerations which addressing the goals and policies of the SMP. In mixed use proposals:
      i. Water dependent uses shall be the primary use;
      ii. Uses subordinate to the primary water dependent use shall be smaller in scale and size than the primary use;
      iii. Uses subordinate to the primary water dependent use shall be located landward of the primary use; and
      iv. Uses subordinate to the primary water dependent use shall not be located within a required VCA or setback.

8. Commercial development shall be consistent with the character and features of the surrounding area. The City may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit), and/or prescribe operation intensity and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas
shall also be subject to review.

9. **New non-water-dependent commercial developments** are prohibited over water unless the use is part of a mixed-use development that is **with a primary** water-dependent use. **In this case, the non-water-dependent uses should be landward of the water-dependent uses, smaller in footprint area and subordinate to the water-oriented uses.** The non-water-oriented use must not reduce the activities of the water-dependent uses.

10. **Commercial uses authorized as water related or water enjoyment uses or developments** shall incorporate appropriate design and operational elements so they meet the definition of water related or water enjoyment uses.

Amend section 5 for consistency with WAC 173-26-201 (2)(d) and (e), WAC 173-26-211 (5)(c), WAC 173-26-221 (6), WAC 173-26-241 (3)(f), and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

5. **Industry**

a. **Applicability**

Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi-finished goods. Included in industry are such activities as log storage (upland), in-water log rafting and handling, petroleum storage and handling, transport and storage operations, paper, pulp and wood products production, concrete and asphalt batching, construction, manufacturing, and warehousing. Excluded from this category and covered under other sections of the SMP are boating facilities, piers and docks, mining (including on-site processing of raw materials), utilities, solid waste disposal, and transportation facilities. Boat building, ship repair, and major boat repair that involves haul-out may be considered an industrial use.

Some industries may not require direct access to the shoreline for several years because land transportation is more cost-effective for a period of time. If such uses retain the capability to transport materials via the water and maintain the facilities to do so, then they may be considered water-dependent for the purposes of this SMP.

Shoreline modifications are described separately in this SMP, and include dredging and filling, piers and docks, bulkheads, breakwaters, jetties and groins, and shoreline stabilization. They are subject to their own regulations in Chapter 4 in addition to the provisions in this chapter.

Industrial uses and facilities may also include accessory or related activities such as bulk storage and energy generation from waste materials. Such accessory or related uses may not be intrinsically water-dependent but be necessary for or functionally integrated with the complex of water-oriented activities that comprise the industrial facility. In such cases, an accessory or functionally related use or development may be considered supportive of a water-oriented use and be allowed provided that they meet the provisions of this master program and public access improvements and/or ecological restoration is included as part
of the improvements.

b. Policies

1. Regional and state-wide needs for industrial facilities should be carefully considered in reviewing proposals for new industrial uses and development as well as in designating shorelines for such uses or development. Such consideration and designation should be coordinated with the Port of Port Angeles.

2. Expansion or redevelopment of existing legally established industrial areas, facilities and services should be encouraged over the addition and/or location of new or single-purpose industrial areas or facilities.

3. Joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities should be strongly encouraged or required in waterfront industrial areas.

4. New industrial development should be required to provide physical and/or visual access as outlined in chapter 3, whenever possible and when such access does not cause significant interference with industrial operations or hazards to life and property.

5. Dry land log storage is preferred over in-water log storage.

6. New non-water oriented industrial developments should not be located within shoreline jurisdiction, unless part of a mixed use project with water dependent uses providing a significant public benefit including ecological restoration as part of the project. Non-water oriented industrial uses and development may also be allowed on a site that is physically separated from the shoreline by another property or public right of way.

c. Regulations

1. Proposed industrial uses or developments, or major significant expansions or intensification of existing industrial uses or activities shall be consistent with the Port Angeles Harbor Resources Management Plan, and be accompanied by a feasibility or use analysis acceptable to the City that assesses regional or state-wide need.

2. Only water dependent and water related industries shall be permitted in the shoreline jurisdiction as primary uses. Non-water oriented industrial development is only allowed within shoreline jurisdiction when:
   a. The non-water oriented industrial use or development is part of a mixed use development and is subordinate to and located landward of the primary water dependent use;
   b. The underlying zoning allows industrial uses; and
c. A water-oriented industrial use is not reasonably expected to locate on
the proposed site due to topography, incompatible surrounding land uses,
physical features, or the site’s separation from the water.

Non-water oriented industrial development may also be allowed within shoreline
jurisdiction when located on sites that are separated from the shoreline by another
property or public right of way, and when allowed by the underlying zoning.

3. Existing non-water oriented industrial development on in shorelines jurisdiction
which is neither water dependent nor water related may be permitted as a
conditional use to expand inland upland from existing structures but not parallel to
or waterward toward the OHWM upon approval of a conditional use permit.
Waterward expansion of existing non-water-oriented industry is prohibited.

4. Long-term storage and/or disposal of industrial wastes is prohibited within shoreline
jurisdiction. Waste water treatment systems may be allowed in shoreline jurisdiction
only if alternate, inland alternative areas outside of shoreline jurisdiction have been
proven infeasible.

5. Waste disposal, except clean soils and clean dredge spoils, is prohibited within
shoreline jurisdiction. Temporary storage of waste is allowed provided all applicable
regulations governing storage are a part of the design. The Shoreline Administrator
shall establish the time period allowed for temporary storage in the shoreline
permit or exemption.

6. New or expanded facilities for water transport of bulk, crude or other forms
of petroleum in vessels over 125,000 deadweight tonnage shall be prohibited within
the portions limited to segments of the shoreline that are not designated HI-I or HI-
M and adjacent aquatic areas.

7. New or expanded port and/or industrial developments shall employ,
the best available facilities technology, practices and procedures shall be employed for
the safe handling of fuels and toxic or hazardous materials to prevent them from
entering the water, and optimum means shall be employed for prompt and effective
cleanup of any spills that do occur.

8. Acknowledging that nighttime industrial activities are important, new Industrial
display and other exterior lighting shall, to the extent feasible, be designed,
shielded, and operated to avoid illuminating the water surface and to reduce light
pollution into the night sky and residential areas.

9. All industrial loading and service areas shall be located and/or screened to minimize
adverse visual impacts to the public shoreline areas, environment (including visual
impacts) and public access facilities, including the Olympic Discovery/Waterfront
Trail. At a minimum, parking and service areas shall be screened from the trails by
a 10-foot strip of If such facilities cannot be located to avoid impacts, parking and
service areas shall be screened from view from public access areas by a 10-foot
strip of landscaping with evergreen trees and shrubs that is able to will provide a full
visual screen within five years of planting. The Administrator may modify required
landscaping patterns within these areas to avoid safety and security concerns. The
plantings must conform to the list of preferred plant materials and meet the City’s
standards for planting and maintenance. The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security concerns.

10. All new industrial development located adjacent to the Olympic Discovery/Waterfront Trail shall provide plantings as described in regulation 9. The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security. All new or expanded industrial uses or developments located adjacent to the Olympic Discovery/Waterfront Trail shall provide a minimum 10-foot-wide strip of landscaping between buildings and the trail. The landscaping shall include:

   a. Shrubs that will grow to at least 3 feet high within two years of planting;

   b. Vegetative ground cover that will cover the planted area within at least two years;

   c. Trees will be required if the Administrator determines there is sufficient space depending on the setting and the desired tree species; and

   d. The City Shoreline Administrator may modify required landscaping patterns within these areas to avoid safety and security concerns.

11. Low Impact Development (LID) techniques shall be incorporated into the design of new industrial uses and development, where appropriate feasible.

12. Industrial activities, including ship and boat building and repair yards, shall employ Best Management Practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Industrial uses and activities shall adhere to the applicable standards in the City of Port Angeles Urban Services Standards and Guidelines, Chapter 5, Storm Water.

13. The City may require that new or expanded upland industrial development be set back and buffered from adjacent shoreline properties used for nonindustrial purposes in accordance with PAMC 17.34.050 B. Such setbacks or buffers are intended to minimize conflicts between incompatible uses and to minimize the impacts of noise and dust that may be generated by industrial activities. If the Administrator determines that buffers are required as outlined above, such buffers shall be a minimum of adequate 10 feet in width, and planted with vegetative materials that will reach 6 feet in height within 5 years of planting. The applicant will be required to prepare and maintain landscape buffers in ways that guarantee the survivability of the vegetation, and shall be required to monitor and maintain such areas for a period of at least 5 years. Plants shall be selected and soil composition to minimize protect shorelines and other properties from visual or noise intrusion to adjacent properties, minimize erosion and protect water quality. Buffers shall not be used for storage of industrial equipment or materials, parking, or for waste disposal, but may be used for outdoor recreation public access if consistent with public access and other provisions of the SMP.

Log Storage and Booming

14. Unpaved storage areas underlain by permeable soils shall have at least a 4-foot
separation between the ground surface and the highest seasonal water table.

15. All log storage proposals shall demonstrate berms, dikes, grassy swales, vegetated buffers, retention ponds or other means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point, if possible. It shall be demonstrated that State water quality standards and/or criteria will not be violated by any such runoff under any conditions of flow leaving the site and entering into nearby watercourses waters of the State. If such demonstration is not possible, treatment facilities meeting all applicable local, state and federal standards for runoff shall be provided, meeting city, state, and federal standards.

16. Offshore log storage, when allowed, shall be located where natural tidal or current flushing and water circulation are optimal to disperse polluting wastes. In-water log storage shall be located only in areas where an Aquatic Lands Lease may be obtained from designated by the City in consultation with the Washington State Department of Natural Resources.

17. In-water log storage shall not be permitted in public waters where water quality standards cannot be met at all times or where these activities are a hindrance to other beneficial water uses such as navigation.

18. The free-fall dumping of logs into water is prohibited. Easy let-down devices shall be employed for placing logs in the water per the Port of Port Angeles BMPs approved as part of Washington State Department of Natural Resources harbor area Aquatic Lands Lease agreements.

19. Positive bark and wood debris shall be regularly and consistently controlled, collected, ion and disposed of all methods shall be employed at log dumps, raft building areas and mill-side handling zones. This shall be required for both floating and sinking particles.

20. Log dumps shall not be located in waters where bark and debris controls cannot be effectively provided.

204. Logs shall not be dumped, stored or rafted where they will rest on the bedlands at low tide.

212. To avoid impacts to new areas, new log booming and storage facilities will shall be preferentially located in areas where the activity has historically occurred, unless such a location causes greater impacts results in significant impacts to ecological functions.

223. New log booming and storage facilities must be located waterward of the nearshore beyond the nearshore/littoral area, to avoid and minimize ecological impacts to nearshore and shoreline aquatic areas.

234. New log transfer sites and in-water storage facilities are prohibited in areas that do not meet state or federal water and sediment quality standards, or in areas defined as critical saltwater habitat or habitat areas for priority species and species of concern a conservation priority.

245. Operators must implement measures to prevent chains and ropes on anchorage,
mooring, and containment boom systems from dragging on the substrate bottom. Measures include, but are not limited to, the use of embedded anchors and midline floats.

Amend section 6 for consistency with WAC 173-26-201 (2)(e) and WAC 173-26-221 (2), (4) and (5).

6. **Governmental, Educational, Cultural and Institutional Uses**

   a. **Applicability**

   Governmental, educational, cultural and institutional uses such as schools, centers or museums may be considered water oriented if they have an association with a specific waterfront site or water-dependent activity are considered water-oriented or if they include public shoreline access. Such institutional development may include offices, laboratories, and support facilities and still be considered water-oriented.

   b. **Policies**

   1. Allow water-oriented governmental, educational, cultural and institutional uses in shoreline areas where they are water oriented and there is sufficient support and access, utilities and public services to support them.

   2. Encourage water-oriented institutional uses that help people to understand and appreciate the environmental, cultural, historic, and economic importance of the shoreline.

   3. Support those institutional, and governmental, cultural and educational activities associated with maritime navigation, security, safety, education, environmental management, and ecological restoration. Provide support as needed for the U.S. Coast Guard installation on Ediz Hook, which is a water-dependent use implementing objectives central to Shoreline Management Act policies.

   c. **Regulations**

   1. Development of governmental, educational, cultural or institutional facilities shall comply with the mitigation sequence, public access, and critical areas and vegetation conservation sections of chapter 3 of this SMP must include public access and ecological restoration unless the Shoreline Administrator determines that such measures are not feasible. In cases where security is a function of the facility public access is not required.

   2. New governmental, educational, cultural and institutional facilities shall be located and designed to prevent or minimize ecological impacts and the need for shoreline stabilization measures.

   3. Service and parking areas shall preferably be located outside of the shoreline jurisdiction, and screened to minimize adverse visual impacts from the shoreline and public property. (See, also, Section 3.B.8.c.3.)
Amend section 7 for consistency with WAC 173-26-201 (2)(d) and WAC 173-26-241 (3)(i).

7. Recreational Development

a. Applicability

Port Angeles’ shoreline includes several attractions that make it a significant regional recreation resource. Recreational development includes public and commercial facilities for recreational activities such as hiking, photography, viewing, fishing/shellfishing, boating, swimming, bicycling, picnicking, and playing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the “Commercial Development” and the “Recreational Development” sections. Primary activities such as boating facilities, resorts, subdivisions, and hotels are not addressed directly in this category.

Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as “Boating Facilities,” “Piers and Docks,” “Residential Development,” and “Commercial Development,” are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

Commercial indoor non-water-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses in this SMP.

See also provisions in Section 3.B.9, “Public Access.”

b. Policies

1. The coordination of Local, state, and federal recreation planning should be coordinated to satisfy recreational needs. Shoreline recreational developments should be consistent with all locally adopted park, recreation, and open space plans, especially including the City of Port Angeles Comprehensive Plan and the recreation component of the Harbor Resources Management Plan (current most recent edition).

2. Recreational developments and plans should promote the conservation of the shoreline’s natural character, ecological functions and processes, especially on Ediz Hook and in the vicinity of creeks discharging into the harbor and/or strait.

3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.

4. Water-dependent recreational uses, such as angling, shellfishing, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking. Water-enjoyment recreational uses should have priority over non-water-oriented recreational uses. Non-water-oriented recreational uses such as field sports and
golf should be prohibited in the shoreline jurisdiction unless they are part of a mixed use recreational facility all of the criteria of Regulation C.1 below are met.

5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives. Of special importance is the Olympic Discovery/Waterfront Trail and Olympic Discovery Trail Adventure Route. Safety improvements and recreational enhancements to the Olympic Discovery/Waterfront Trail and the Olympic Discovery Adventure Route should be pursued as recommended in the Harbor Resources Management Plan.

6. Opportunities to expand the public’s ability to enjoy the shoreline should be pursued in recreational uses and developments.

7. Opportunities for recreational scuba diving should be pursued where there is not a conflict with existing activities, such as the U.S. Coast Guard base. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreational observation. Such habitats should be constructed in areas of low habitat diversity, where predation of priority species is not an issue, to avoid migratory corridors and in consultation with the Department of Fish and Wildlife and local tribes.

8. Opportunities for developing a park between the Valley Creek Estuary and the north end of Oak Street should be pursued.

89. Improvements should be made to the Civic City Pier and Hollywood Beach.

940. Recreational opportunities that are consistent with ecological restoration should be encouraged on Ediz Hook and on the Rayonier site (segment O).

104. A wildlife viewing area near Marine Drive overlooking the lagoon at the base of Ediz Hook should be pursued.

112. Public access along the pipeline between Marine Drive and the shoreline west of Ediz Hook should be pursued. Security measures should be taken to prevent trespassing into industrial areas.

123. Opportunities for interpretive displays and activities highlighting the cultural, environmental, historical, and economic aspects of the shoreline should be incorporated into all public recreation facilities. The City, in coordination with state and federal resource agencies and local tribes, should develop a system of coordinated interpretive displays should be developed.

13. Accessory structures to recreational facilities, such as restrooms, storage buildings, access roads, and parking areas should be located outside of shoreline jurisdiction, when feasible.

c. Regulations

1. Water-oriented recreational developments and mixed-use developments with water-oriented recreational activities may be permitted as indicated in Chapter 2 Section D, “Shoreline Use and Development Standard Matrices.” In accordance with this matrix and other provisions of this SMP, a Non-water-oriented recreational use and
developments may shall be permitted in shoreline jurisdiction only when part of a mixed use development containing water dependent uses or when separated from the shoreline by another property or public right of way, and where it the following can be demonstrated that all of the following apply:

a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site’s separation from the water.

b. The proposed use or development does not usurp or displace land currently occupied by a water-oriented use, usurp land currently occupied by a water oriented use, and will not interfere with adjacent water-oriented uses.

c. The proposed use and or development will provide a significant public benefit with respect to the objectives of the SMA by providing ecological restoration and/or public use of or access to the shoreline appreciably increase ecological functions or, in the case of public projects, public access.

2. Accessory parking shall not be located in shoreline jurisdiction unless all of the following conditions are met:

a. The City’s Shoreline Administrator determines there is no other feasible option;

b. The parking supports a water-oriented use;

c. All adverse impacts from the parking in the shoreline jurisdiction are mitigated; and

d. All parking regulations listed in Chapter 3, Section 8.c. of this SMP shall apply to all accessory parking proposals.

23. All new or expanded recreational uses and developments shall mitigate impacts to shoreline resources and values by providing ecological restoration, unless such measures are demonstrated to be infeasible. Restoration that is required as mitigation in this context shall comply with the regulations in chapter 3, section 12.

All new recreational development proposals will be reviewed by the City’s Shoreline Administrator for ecological restoration and public access opportunities. When restoration or public access plans indicate opportunities exist for these improvements, the City’s Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new non-water-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access. The City’s Shoreline Administrator shall consult the provisions of this SMP and the Environmental Restoration Plan to determine the applicability and extent of ecological restoration and public access required.

3. Accessory structures to recreational facilities, such as restrooms, storage buildings,
access roads, and parking areas shall be located outside of shoreline jurisdiction, when feasible. When the Administrator determines that location of such facilities outside of shoreline jurisdiction is not feasible, accessory uses and structures shall meet all required setbacks, shall be located landward of primary recreational uses or structures, and shall comply with all other provisions applicable to the use or structure in this SMP.

4. Non-water oriented structures, such as restrooms, recreation halls, gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be preferentially located outside of the shoreline jurisdiction. If the City's Shoreline Administrator deems this not feasible, then these structures shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.

Amend section 8 for consistency with WAC 173-26-201 (2)(d) and (e), WAC 173-26-221 (2) and (5), and WAC 173-26-241 (3)(j).

8. Residential Development

a. Applicability

Residential use and development means one or more buildings, structures, lots, or parcels or portions thereof which are primarily devoted to or designed for and used as a dwelling. Residential uses and developments include such things as or intended to be used to provide a place of abode, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, mobile home parks, residential subdivisions, residential and short subdivisions, and residential planned unit or residential developments, together with accessory uses and structures normally associated with residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages are also included in this category. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

b. Policies

1. Residential development should be prohibited in environmentally sensitive areas including, but not limited to, wetlands, steep slopes, floodways, and their buffers.

2. The overall density and design of residential uses and development, lot coverage, and height of structures within shoreline jurisdiction should be appropriate to the physical capabilities of the site and consistent with the City of Port Angeles' Comprehensive Plan, Zoning ordinance, and Environmentally Sensitive Areas ordinance as incorporated into this SMP.

3. Recognizing the single-purpose, irreversible, and space-consumptive nature of shoreline residential development, new residential uses and development should provide adequate space between such uses or developments and the water to provide space for accommodate outdoor recreation such as trails, to protect or restore ecological functions and ecosystem-wide
processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.

4. **New or expanded residential use and development should include provisions for protection of aquatic and wildlife habitat and migratory corridors, ecosystem-wide processes, and open space.** When considering new residential development or redevelopment that proposes an increase in building footprint or activity on the site.

5. Sewage disposal facilities and water supply facilities shall be provided in accordance with appropriate state and local health regulations.

6. Recognizing the inevitability and ecological importance of bluff erosion, new residences, residential uses and developments should be designed and located so that shoreline armoring will not be necessary to protect the structure, at the time of construction or at any time in the foreseeable future. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
   a. Constructing shoreline stabilization structures (such as bulkheads).
   b. Causing significant erosion or slope instability.
   c. Removing existing native vegetation that helps to prevent bluff erosion.

7. New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts, promote consolidated community access points, encourage low-impact and natural drainage solutions, and reduce utility, public access, and road costs.

8. Structures or other developments accessory to residential uses should be designed and located to avoid or minimize visual impacts as much as possible. Accessory uses and structures should be located landward of the principal residence unless there is a compelling reason to the contrary.

c. **Regulations**
   
   1. Residential uses and development shall not be approved where shoreline stabilization measures, bluff walls, or bulkheading will be required to protect residential structures, lots, or site areas. Residential uses and development shall be located and designed to avoid the need for structural shore defense shoreline stabilization and flood protection works for the life of the development.

   2. Prior to issuance of a building permit, land division or other shoreline development approval, the developer shall submit adequate plans for preservation of vegetation and for control of erosion during and after construction. Such plans shall be a part of the shoreline permit.

   3. New residential structures uses and development and accessory structures shall be prohibited overwater or floating on the water.

   34. All residential shoreline uses and development must conform to the General
Provisions and the Environment Designation Provisions and Environment Specific Development Standards stated in this master program, Chapter 3, Section 5. Geologically Hazardous Areas shall comply with the mitigation sequence outlined in chapter 3, section 1 of this SMP and with the critical area and vegetation conservation provisions in chapter 3.

45. Accessory residential uses and structures in shoreline jurisdiction that are not appurtenant structures shall be subordinate in size and purpose intensity to and compatible with primary on-site uses and structures.

56. The creation of new residential lots within shoreline jurisdiction shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including critical area buffer, vegetation conservation, setback, and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that all of the following can be met:

a. The residence can be built in conformance with all applicable buffers, setbacks, and development standards in this SMP.

b. Adequate water, sewer, road access, and utilities can be provided.

c. The intensity of development is consistent with the City’s comprehensive plan.

d. The development will not be at risk from cause floods or geological hazards, and will not put to itself or other properties at risk from the same.

67. Storm water runoff from all new development and redevelopment within the City of Port Angeles shall comply with will be controlled according to the most recent version of the City’s Urban Services Standards and Guidelines, current edition.

Amend section 9 for consistency with WAC 173-26-201 (2)(e), WAC 173-26-221 (2)(iii), WAC 173-26-241 (3)(k), and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

9. Transportation

a. Applicability

Transportation facilities are those structures and developments that facilitate the movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railways, roads, airports (including seaplane facilities), ferry terminals, heliports, public transit facilities, and other related facilities. Parking facilities are considered separately from transportation facilities (see chapter 3).

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to new transportation facilities uses or development as well as to and changes to or expansion of any existing transportation facilities.
Transportation access to Port Angeles’s shorelines is important for emergency vehicle access, the movement of freight and industrial materials, access to shoreline uses, the redevelopment of waterfront sites, and access to recreational and public access attractions.

The Harbor Resources Management Plan recommends circulation and access improvements to ensure adequate circulation on and to Port Angeles’s shorelines. The policies and regulations below are intended to support those improvements provide the necessary access to and within shoreline areas while protecting the shoreline ecology.

b. Policies

1. **Circulation system** Transportation planning on shorelands in shoreline jurisdiction should include consideration of circulation systems for pedestrian, bicycle, and public transportation as well as other modes. Circulation planning systems and projects should support existing and proposed shoreline uses that are consistent with the SMP.

2. Pedestrian trails and bicycle paths should be encouraged along shorelines in shoreline jurisdiction and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline. Roadway improvements should include provisions for bicycle and pedestrian movement.

3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

4. The City should pursue the circulation recommendations in the current edition of the Harbor Resource Management Plan and other City transportation plans to ensure adequate access to shoreline areas, particularly freight access to water-oriented industrial uses.

5. All new and expanded transportation uses and development in shoreline jurisdiction should be consistent with the City’s Comprehensive Plan and applicable capital improvement plans.

c. Regulations

General

1. Development of new and expanded transportation facilities uses and development in shoreline jurisdiction shall be consistent with adopted the City’s comprehensive plans and applicable capital improvement plans including the current edition of the Harbor Resources Management Plan.

2. All new and expanded transportation uses and development of new and expanded transportation facilities shall comply with the mitigation sequence outlined in section 1 of chapter 3 of this SMP be conditioned with the requirement to mitigate significant adverse impacts consistent with Chapter 3 Section 7 of this SMP. Development of New or expanded transportation facilities that would result in cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that ensures increases the ecological functions being impacted to the point where:
a. Significant short- and long-term risks to the shoreline ecology from the development are eliminated.

b. Long-term opportunities to increase the natural ecological functions and processes are not diminished.

3. The following regulation applies to shoreline road ends:

a. RCW 35.79.035 and RCW 35.87.130 prohibits the City from vacating any City road which abuts a body of salt or fresh water unless the street or road is not currently used or suitable for beach or water access, boat moorage or launching sites, or for a park, viewpoint, recreation, educational, or other public purposes.

b. (See RCW 35.79.035 establishes legal procedures to vacate streets as outlined above.)

4. Consult the Washington Department of Fish and Wildlife’s Aquatic Habitat Guidelines documents when locating and designing transportation facilities.

Location

54. New and expanded non-water-dependent transportation facilities shall be located outside the of shoreline jurisdiction, if whenever feasible. In determining the feasibility of a non-shoreline location, the City’s Shoreline Administrator will apply the definition of “feasible” in Chapter 6 and weigh the action’s relative public costs and benefits, considered in the short- and long-term time frames.

65. New and expanded transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization and shoreline modifications, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities that must allowed to cross water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must shall be built high enough to allow constructed at an elevation that will allow the passage of debris and provide three feet of freeboard above the 100-year flood level. Bridges and other transportation facilities shall not intrude into or over critical saltwater habitats except as allowed by chapter 3 Consult the Washington Department of Fish and Wildlife’s Aquatic Habitat Guidelines documents when locating and designing transportation facilities (see weblink: http://wdfw.wa.gov/conservation/habitat/planning/ahg/).

76. Roads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed to accommodate with regard to the 100-year storm flows frequencies and to allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel. Consult the Washington Department of Fish and Wildlife’s Aquatic Habitat Guidelines documents when locating and designing transportation facilities (see weblink above).

7. Transportation facilities are prohibited in:

a. Hazardous areas such as steep slopes or areas with soils subject to
severe erosion or landslides.

b. The front of feeder bluffs, over driftways, or on accretion shoreforms.

Design/Construction/Maintenance

8. In the design and construction of otherwise permitted roads new and expanded transportation facilities, impervious surfaces shall be minimized. Areas not paved shall be planted with self-sustaining vegetation in accordance with City standards. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until fully established. The vegetation restoration/replanting plans shall be as approved by the City’s Shoreline Administrator based on the Shoreline Restoration Plan included as part of this SMP. Landscape design Shoreline scenic drives and viewpoints may provide opportunities breaks periodically in the vegetative buffer to enjoy allow open views of the water or other points of interest.

9. Development of New and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where feasible and appropriate, as determined by the City’s Shoreline Administrator utilizing the based on current pedestrian and bicycle trail plans cited in this section and the Harbor Resources Management Plan. Circulation planning and Transportation projects shall support existing and proposed shoreline uses that are consistent with the SMP.

10. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if to the greatest extent feasible, where adverse impact to the shoreline can be minimized by doing so.

11. Fill for new or expanded development of transportation facilities shall generally be is prohibited in water bodies and wetlands; except, such f Fill may be permitted as a Conditional Use to support new or expanded transportation facilities only when:

   a. All structural and upland alternatives have been proven infeasible;

   b. The transportation facility is necessary to support uses consistent with this SMP; and

   c. All unavoidable, adverse environmental impacts are mitigated.

12. Development of New and expanded transportation facilities shall not diminish but may modify public access to the shoreline.

13. All Vegetated shoreline areas disturbed by construction and or maintenance of transportation facilities shall be replanted and stabilized with native vegetation immediately upon completion of the construction or maintenance activity. Replacement vegetation shall be maintained by the party responsible for maintenance of the transportation facility or the property owner, as appropriate.

14. Restoration of ecological functions shall be a condition of all non-water-dependent transportation development. The Shoreline Administrator shall consult the Restoration Plan accompanying this SMP to establish the type of restoration required.
Air Transportation

145. Aircraft facilities in support of US Coast Guard activities are a permitted use in the HI-M environment. Aircraft facilities required for the support of seaplane traffic, not including fuel storage, are a permitted use in the HI-M and HI-MU environments. As an unspecified use, aircraft facilities for other purposes or in other designations shall require a conditional use permit.

Amend section 5 for consistency with WAC 173-26-201 (2)(e), WAC 173-26-241 (3)(l), and to include regulations sufficient in scope and detail to ensure implementation of the SMA, the Guidelines and the local SMP (WAC 173-26-191 (2)(a)(ii)).

10. Utilities (Primary)

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, solid wastes and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities. See Chapter 3, Section 11 B.12, "Utilities (Accessory)," for on-site accessory use utilities.

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works modifications, where feasible. Note that new shoreline stabilization may not be allowed on State-owned aquatic lands except under extraordinary circumstances, as determined by the Washington State Department of Natural Resources (DNR).

2. Utility facilities and corridors should be located so as to protect scenic views, such as views of the harbor area and Ediz Hook. Whenever possible, such facilities and corridors should be placed underground, or alongside or under bridges. Note that on State-owned aquatic lands, sewer and stormwater outfalls may be required to be installed below the substrate in nearshore areas, as determined by the Washington State Department of Natural Resources (DNR).

3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

4. New utility facilities should preferentially be located outside of shoreline jurisdiction, if feasible.

5. Utilities should be located in existing rights of ways and corridors whenever feasible.

6. Utility pipelines and cables on tidelands should be discouraged.

c. Regulations
1. All primary utility facilities and uses shall be preferentially located outside of the shoreline jurisdiction, unless infeasible. Utility uses and facilities that must be located in shoreline jurisdiction shall be designed to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The City’s Shoreline Administrator may require the relocation or redesign of proposed utility uses and development in order to avoid significant ecological impacts.

2. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, that are non-water-oriented, shall not be allowed in shoreline areas unless materials such as fuel and waste are transported or are potentially transported by water or unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided. Energy recovery from waste products associated with a nearby water-dependent oriented shoreline facility use may be allowed.

3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. When necessary, such uses and facilities shall assure no net loss of shoreline ecological functions. Utilities shall be located in existing rights-of-way and utility easements or corridors whenever possible feasible. New or expanded utilities installed on Ediz Hook transmission lines shall be underground unless infeasible, or unless the applicant demonstrates that above-ground transmission lines would have a lesser impact.

4. Development of pipelines and cables on shorelines tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts functions shall not be allowed unless the Shoreline Administrator determines that no other feasible option exists. When permitted, those facilities shall include adequate provisions to assure protection against significant no net loss of shoreline ecological impacts functions. Existing above-ground lines shall be moved underground during normal replacement processes, when feasible.

5. Restoration of ecological functions shall be a condition of new and expanded non-water dependent utility facilities.

The City’s Shoreline Administrator will consult the Restoration Plan accompanying this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.

6. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way when feasible. Such uses may include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant liability for the owner.
67. New solid waste disposal sites and landfill facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be added to expanded, intensified, or substantially reconstructed unless for an environmental cleanup or ecological restoration purpose.

8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impact. Existing above-ground lines shall be moved underground during normal replacement processes.

79. Utility transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant ecological impacts or environmental damage.

840. Utility developments shall be located and designed so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.

914. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by Conditional Use, a Easily accessible automatic shut-off valves shall be provided on both sides of the water-body pipeline.

1042. Filling and dredging in shoreline jurisdiction for development of utility facilities or lines purposes is prohibited, except where the Shoreline Administrator determines that no other feasible option exists and the proposal would avoid or minimize adverse impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques, when feasible. Boring rather than open trenching is the preferred method of utility water crossing.

113. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and avoided and minimized; upon project completion, any disturbed areas shall at minimum be restored to their pre-project condition.

124. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shall be located outside of shoreline jurisdiction where feasible, except when in support of a water-dependent use, such as the U.S. Coast Guard installation.

15. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.

136. Water o Outfalls are a permitted use when shall be designed and constructed according to all applicable regulations and standards. New and reconfigured outfalls must be located and designed to avoid impacts to native aquatic vegetation attached to the substrate. Diffusers or discharge points must be located a sufficient distance away from nearshore areas to avoid significant ecological impacts.
17. Repair or maintenance of existing utility lines and the existing armoring necessary to protect them is a permitted use.

148 All pipelines supplying water or other liquid for industrial uses shall be metered at the source and at the industrial destination to ensure there are not leaks in, or damage to, the supplying pipeline(s).

Amend chapter 6 for consistency with WAC 173-26-020, WAC 173-27, RCW 90.58.030, and terms used or defined in WAC 173-26-221, -231 and -241. Additionally, in accordance with RCW 90.58.090 (7) stating a Master Program takes effect when and in such form as approved or adopted by the department, delete terms and definitions that are not used in the SMP and add definitions essential for concepts or processes outlined in the SMP.

Chapter 6 – Definitions

Accessory use. Any structure or use incidental and subordinate in size, intensity etc. to a primary structure, use or development.

Act. The Washington State Shoreline Management Act, chapter 90.58 RCW.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. The City of Port Angeles Planning Director of Community and Economic Development or his/her designee, charged with the responsibility of administering the Shoreline Master Program.

Advance compensatory mitigation. See definition for mitigation banking.

Anadromous. Fish species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn.

Appurtenance. A structure or development use which is necessarily connected to the use and enjoyment of a primary use or structure single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and installation of a septic tank and drainfield. For purposes of the exemption in WAC 173-27-040(2)(g), normal appurtenances also include and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. (WAC 173-27-040(2)(g)).

Aquaculture. The cultivation of fish, shellfish, and other aquatic animals or plants, including the incidental preparation of these products for human use. The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. For purposes of this SMP, aquaculture does not include activities on private property for personal consumption.

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.
Associated wetlands. Wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Average grade level. See “base elevation.”

Base elevation. The average elevation of the natural or existing approved pre-development topography of the lot, a parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over the water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks.

Beach. The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of restoring returning a beach waterfront area to a state more closely resembling a natural beach. Methods may include removal of shoreline armoring, grading, addition of beach materials, using beach feeding, vegetation, drift cells and other nonintrusive means as applicable.

Beach nourishment. The process of replenishing a beach by artificial means, for example by the deposition of dredged materials, by which sediment or (usually sand) lost through longshore drift or erosion is replaced from sources outside of the eroding beach. Also called beach replenishment or beach feeding.

Berm. A linear mound or series of mounds of sand and/or gravel upland of the ordinary high water mark, often used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Bioengineering. See shoreline modifications.

Biofiltration system. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to filter sediments and metabolize pollutants. Biofiltration systems may include grassy swales, retention ponds and other vegetative features.

Boating facilities. Any of the following uses are considered boating facilities: marinas; dry-land boat storage; in-water-moorage; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts. Any device or structure used to secure a boat or a vessel, including piers, docks, pilings, or buoys are also considered moorage facilities (see moorage facility definition).

Bog. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog is a type of wetland.

Breakwater. See shoreline modifications.

Buffer or buffer area. See definition in Chapters 15.2 and 15.24 PAMC. An undisturbed area adjacent to an environmentally sensitive area that is required to permanently remain in an undisturbed and untouched condition, protects or enhances the environmentally sensitive area, and is considered part of the environmentally sensitive area. No building, clearing, grading, or
filling is permitted, except as authorized by this SMP. A buffer is different than a setback or a vegetation conservation area, although they may overlap. See also “visual buffer”.

**Building height.** See definition in PAMC 17.08.045, as amended. For overwater structures, height shall be measured from the ordinary high water mark. Height is measured from average grade level to the highest point of a structure, provided that television antennas, chimneys and other similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines. Temporary construction equipment is also excluded in this calculation.

**Building setback.** See setback. An area in which structures, including, but not limited to, sheds, homes, buildings, and awnings, shall not be permitted within, or allowed to project into. Unless otherwise noted (as in the case near steep bluffs), it is measured horizontally upland from and perpendicular to the ordinary high water mark.

**Bulkhead.** See shoreline modifications.

**Buoy.** An anchored float for the purpose of mooring vessels.

**Channel.** An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stockwatering channels.

**Channel Migration Zone (CMZ).** The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

**City.** The City of Port Angeles, Washington.

**Clearing.** The destruction or removal of vegetation, ground cover, shrubs and or trees, which may or may not include root material removal and topsoil removal. Limited pruning is not considered clearing.

**Comprehensive Plan.** Comprehensive plan means the document, including maps adopted by the city council, that outlines the City’s goals and policies related to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

**Conditional use.** A shoreline use, development, or substantial development which is classified as a Conditional Use in this SMP, or a use, development, or substantial development that is not specifically classified within the this SMP and is therefore treated as a Conditional Use.

**Covered moorage.** Boat moorage, with or without walls, that has a roof to protect the vessel.

**Critical areas regulations.** Refers to regulations governing the City’s Environmentally Sensitive Areas Protection ordinance (PAMC 15.20.030 E) and in WAC 173-26-221 (2). These include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas frequently flooded areas, and geologically hazardous areas. In Port Angeles, marine bluffs are locally unique features but are also considered geologically hazardous areas.

**Current deflector.** See shoreline modification.
Department of Ecology or Department. The Washington State Department of Ecology.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the SMA of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(a),(d))

Development regulations. The controls placed on development or land uses by the City of Port Angeles, including, but not limited to, zoning ordinances, critical environmentally sensitive areas protection regulations, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for watercraft. A dock may be built either as a fixed platform supported by piling (a pier), or walkway or other surface that floats on the water, or a combination. See also “development” and “substantial development.”

Dredging. Excavation Removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from the bottom or shoreline of a water body or associated wetland.

Drift cell. “Drift cell”, “drift sector”, or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also any accretion shore forms created by such drift.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

Ecological restoration. See “restore.”

Ecosystem-wide processes. The suite of naturally occurring physical and geologic processes of erosion, sediment transport and deposition, and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

EIS. Environmental Impact Statement.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding
or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (WAC 173-27-040(2)(d), (RCW 90.58.030(3eiii).)

**Enhancement.** Actions performed to improve the condition of an existing resource or environmentally sensitive area so that the functions and values provided are of a higher quality. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

**Environment designation(s).** See “shoreline environment designation(s).”

**Environmentally Sensitive Area.** The following areas within Port Angeles and their buffers as described in Title 15.20.030 PAMC:

1. Aquifer recharge areas;
2. Streams or stream corridors;
3. Frequently flooded areas;
4. Geologically hazardous areas:
   a. Erosion hazard areas,
   b. Landslide hazard areas,
   c. Seismic hazard areas;
5. Habitat areas for priority species and species of concern, and
6. Locally unique features:
   a. Ravines;
   b. Marine bluffs;
   c. Beaches and associated coastal drift processes

**Erosion.** The wearing away of land by the action of natural forces.

**Exemption.** Certain specific developments listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development permit process of the SMA must still be carried out in compliance with policies and standards of the SMA and the local SMP. Conditional Use and variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3)(e) and WAC 173-27-040). (See also “development” and “substantial development.”) Exempt developments also include those set forth in RCW 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515.

**Fair market value.** The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

**Feasible.** An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or when studies or tests have demonstrated in similar
circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these regulations this SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's feasibility, the City and Department may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floats. An anchored, buoyed object.

Floodplain. A term that is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA.

Floodway. Those portions of the area of a river valley lying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative groundcover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to varying degrees of potential risk of landslides, erosion, seismic or volcanic activity; and areas characterized by geologic and hydrologic conditions that make them vulnerable to contamination of groundwater supplies through infiltration of contaminants to aquifers.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and
measures to mitigate potential site-specific and cumulative impacts of the proposed
development, including the potential adverse impacts to adjacent and down-current properties.
Geotechnical reports shall conform to accepted technical standards and must be prepared by a
qualified professional engineer or geologist who is knowledgeable about the regional and local
shoreline geology and processes. If the project is in a channel migration zone, then the report
must be prepared by a professional with specialized experience in fluvial geomorphology in
addition to a professional engineer.

Grade. See “base elevation.”

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other
material on a site in a manner that alters the natural contour of the land.

Grassy swale. A vegetated drainage channel that is designed to remove various pollutants from
storm water runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington
Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use
of the shorelines of the state prior to adoption of shoreline master programs. Such standards
also provide criteria for local governments and the Department of Ecology in developing and
amending shoreline master programs. The Guidelines may be found under WAC 173-26.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See “building height.”

House Boat or House Barge. A residential structure constructed on a floating foundation or
barge intended for year-round, permanent occupancy. Such structure is typically moored,
anchored or otherwise secured in waters and is not a vessel, even though it may be capable of
being towed. Also known as floating home.

Hydrological. Referring to the science related to the waters of the earth including surface and
ground water movement, evaporation and precipitation. Hydrological functions in shoreline
areas include, water movement, storage, flow variability, channel movement and
reconfiguration, recruitment and transport of sediment and large wood, and nutrient and
pollutant transport, removal and deposition.

Intertidal zone. Refers to that area along the shoreline that is above water at the lowest low tide
and below water during the highest high tide.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a
proposed development is exempted from the requirement to obtain a shoreline permit as
provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions
placed on the proposal in order to ensure consistency with the Shoreline Management Act and
this SMP. The letter shall indicate the specific exemption being applied to the development and
provide a summary of the City’s analysis of the consistency of the project with the master
program and the act.

Levee. A manmade fill or wall that regulates water levels. It is usually earthen and often
parallel to the course of a river in its floodplain or along low-lying coastlines.

Littoral. Living on, or occurring on, the shore.
**Littoral drift.** The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

**Low impact development (LID) technique.** A storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

**Marine.** Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Strait of Juan de Fuca and the bays, estuaries, and inlets associated therewith.

**Marina.** Refers to a system of piers, buoys, or floats to provide a centralized site for extended boat moorage for more than four (4) vessels for a period of 48 hours or longer. For regulatory purposes, large community moorage facilities, yacht club facilities, and camp or resort moorage areas would also be reviewed as marinas. Boat launch facilities and the sales of supplies and services for small commercial and/or pleasure craft users may be associated with marinas. Where such amenities are included, the marina is considered a multi-use marina.

**May.** Refers to actions that are acceptable, provided they conform to the provisions of this SMP and the SMA.

**Mitigation (or mitigation sequencing).** The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following, which are listed in the order of sequence priority, with (a) being top priority (WAC 173-26-201 (2)(e)(i)).

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations.

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

(f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

**Mitigation Bank.** A site where shoreline ecological functions are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to ecological functions or other aquatic resources that typically are unknown at the time of certification.

**Moorage facility.** Any device or structure used to secure a boat or a vessel, including piers, docks, piles, lift stations, or buoys. Moorage facilities may be located inside of or outside of marinas and other boating facilities.

**Multi-family dwelling (or residence).** A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.
**Must.** A mandate; the action is required.

**Native plants or native vegetation.** Plant species indigenous to the Olympic Peninsula region that could or could have occurred naturally on the site.

**Nearshore.** The estuarine/delta, marine shoreline and areas of shallow water from the uplands that directly influence or are influenced by the shoreline to a OHWM to the water at a waterward depth of about 10 meters relative to Mean Lower Low High Water. (This is the average depth limit of light penetration). This zone incorporates those ecological processes, such as sediment movement, freshwater inputs, and subtidal light penetration, which are key to determining the distribution and condition of aquatic habitats. By this definition, the nearshore extends landward into the tidally influenced freshwater heads of estuaries and coastal streams.

**Nonconforming development.** A shoreline use or structure development which was lawfully constructed or established prior to the effective date of this SMP, which no longer conforms to the applicable shoreline provisions present regulations or standards of the Program.

**Nonpoint pollution.** Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

**Non-water-oriented uses.** Those uses that are not water-dependent, water-related, or water-enjoyment.

**Normal maintenance.** Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

**Normal protective bulkhead.** See shoreline modifications

**Normal repair.** To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040(2)(b).)

**Noxious weed.** The traditional, legal term for any invasive, non-native plant that threatens agricultural crops, local ecosystems or fish and wildlife habitat. The term ‘noxious weeds’ includes non-native grasses, flowering plants, shrubs and trees. It also includes aquatic plants that invade wetlands, rivers, lakes and shorelines. Legal requirements, definitions for control, and the state noxious weed list are found in Chapter 16-750 WAC State Noxious Weed List and Schedule.

**Off-site replacement.** To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

**OHWM or ordinary high water mark.** That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits.
issued by the City or the Department of Ecology. PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water. (RCW 90.58.030(2)(c)). For mapping purposes in this SMP, the City has designated 7 feet above sea level (NADV 88) as the OHWM. The OHWM must be determined in the field based on the criteria in RCW 90.58.030 (2)(c).

PAMC. Port Angeles Municipal Code, including any amendments thereto.

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1)(e)).

Primary structure. The structure associated with the principal use of the property. It may also include appurtenant structures (such as garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as sheds, gazebos or other ancillary improvements that can feasibly be moved landward to prevent the erosion threat.

Pier element. Sections of a pier including the pier walkway, the pier float, the ell, etc.

Priority habitat. A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.
Priority species. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Provisions. Policies, regulations, standards, guideline criteria, or designations.

Public access. Public access is the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (WAC 173-26-221(4)).

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

RCW. Revised Code of Washington.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore. To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments materials. To restore does not necessarily mean returning the shoreline area to aboriginal or pre-European settlement condition. Used in the terms shoreline restoration and ecological restoration.

Revetment. See shoreline modifications.

Riparian. Of, on, or pertaining to the banks of a shoreline.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.
Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Sediment. The fine grained material deposited by water or wind.

SEPA (State Environmental Policy Act). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process public comments are solicited and an EIS may be required.

Setback. An area in which buildings or structures shall not be permitted or allowed to project into. Landscaping and non-structural features such as trails may be allowed in setbacks. In the context of this SMP, a setback is a required open space, specified in this SMP, measured horizontally upland from landward of and perpendicular to the ordinary high water mark, unless otherwise stated or from the edge of an environmentally sensitive areas buffer.

Shall. A mandate; the action must be done.

Shorelands. 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 the SMP; the same to be designated as to location by the Department of Ecology. All lands within Shoreline Management Act jurisdiction lying upland or higher in elevation of the OHWM.

Shoreline Administrator. See administrator. City of Port Angeles Director of community and Economic Development or his/her designee charged with the responsibility of administering the Shoreline Master Program.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations used in this SMP include: High-Intensity-Industrial (HI-I), High-Intensity-Marine (HI-M), High-Intensity-Mixed-Use (HI-MU), High-Intensity-Urban Uplands (HI-UU), Urban Conservancy-Low Intensity (UC-LI), Urban Conservancy-Recreation (UC-R), Shoreline Residential (SR), Aquatic-Harbor (AQ-H), and Aquatic-Conservancy (AQ-C).

Shoreline functions. See “ecological functions.”

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the “Shoreline Management Act Scope” section in the “Introduction” of this SMP.

Shoreline Management Act (SMA). The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline management provisions — Include, but are not limited to: sign controls, alternative development siting and/or design, including increased setbacks, relocation of proposed structures, building bulk restrictions, screening, maintenance of visual buffers and vegetation enhancement, and drainage improvements.
Shoreline master program, master program, or SMP. This Shoreline Master Program, as adopted by the City of Port Angeles and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

- **Breakwaters** are structures constructed on coasts as part of coastal defense or to protect harbors, anchorage or basins from the effects of weather and waves longshore drift.
- **Bulkhead** is a retaining wall constructed at or adjacent to the OHWM. Coastal bulkheads are most often referred to as seawalls, bulkheading, or riprap revetments. These manmade structures are constructed along shorelines with the purpose of controlling beach erosion or to protect adjacent uplands from damage from wave action. Construction materials commonly used include wood pilings, commercially developed vinyl products, large boulders stacked to form a wall, or a seawall built of concrete or another hard substance. Coastal property owners typically seek to develop bulkheads in an attempt to slow large landslide erosion caused by wave action.
- **Normal protective bulkheads** are those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.
- **Bioengineering.** The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal adverse impact to the shoreline ecology.
- **Bluff wall.** A vertical structure placed at the base of a bluff to stabilize the bluff from dynamic forces of gravity or earth movement. Bluff walls are placed upland of the OHWM and are not intended to protect bluff toes from wave action.
- **Current deflector.** An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.
- **Seawall** (also written as sea wall). A structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead, is a form of coastal defense constructed where the sea, and associated coastal processes, impact directly upon the landforms of the coast. The purpose of a seawall is to protect areas of human habitation, conservation and leisure activities from the action of tides and waves. As a seawall is a static feature it will conflict with the dynamic nature of the coast and impede the exchange of sediment between land and sea. Seawalls and bulkheads are classified as a hard engineering shore based structure used to provide protection and to lessen coastal erosion. A range of environmental problems and issues may arise from the construction of a seawall, including disrupting sediment movement and transport patterns. Seawalls may be constructed from a variety of materials, most commonly: reinforced concrete, boulders, steel, or gabions. Additional seawall construction
materials may include: vinyl, wood, aluminum, fiberglass composite, and with large biodegradable sandbags made of jute and coir.

- **Soft Armoring** See bioengineering.
- **Revetment** in coastal management means a sloping structures placed on the shoreline banks or cliffs in such a way as to absorb the energy of incoming water. Coastal revetments are usually built to preserve the existing uses of the shoreline and to protect the slopes and structures as defense against erosion.
- **Jetty** (in marine situations) is any of a variety of structures used for forming basins along the sea-coast for ports in tideless seas, protecting navigational channels and harbors, or to influence currents. The forms and construction of jetties are as varied as their uses (directing currents or accommodating vessels), for they are formed sometimes of high open timber work, sometimes of low solid projections, and occasionally only differ from breakwaters in their object. Jetties contribute to prevention of long shore drift, therefore slowing down beach erosion.
- **Groin** is a rigid hydraulic structure extending built from an ocean the shoreline (in coastal engineering) out into the water that interrupts influences water flow and limits the movement deposition of sediment. In the ocean, groins may create beaches, or avoid having them washed away by longshore drift. Ocean groins run generally perpendicular to the shore, extending from the upper foreshore or beach into the water. All of a groin may be under water, in which case it is a submerged groin. The areas between groups of groins are groin fields. Groins are generally made of wood, concrete, or rock piles, and placed in groups. They are often used in tandem with seawalls.

**Shoreline permit.** A substantial development, Conditional Use, revision, or variance permit or any combination thereof.

**Shoreline property.** An individual property wholly or partially within shoreline jurisdiction.

**Shoreline restoration, or ecological restoration.** The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions. See restore.

**Shoreline sub-unit segment.** An area of the shoreline that is defined by distinct beginning points and end points, by using parcel numbers or other legal descriptions (see chapter 2). These sub-units Shoreline segments are assigned environment designations used to recognize different conditions and resources along different reaches of the City’s shorelines.

**Shorelines.** All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas 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 areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

**Shorelines Hearings Board (SHB).** A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance, denying or rescinding of a shoreline permit, enforcement penalty or and appeals by local government on Department of
Ecology approval of shoreline master programs, rules, regulations, or guidelines adopted or designations approved by the Department of Ecology under the SMA.

**Shorelines of state-wide significance.** A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply. In Port Angeles, shoreline of statewide significance include those area of the Strait of Juan de Fuca north to the Canadian line lying seaward of the line of extreme low tide.

**Shorelines of the state.** The total of all “shorelines” and “shorelines of state-wide significance” within the state.

**Should.** The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

**Sign.** A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

**Significant ecological impact.** An effect or consequence of an action if any of the following apply:

(a) The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.

(b) Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.

(c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

**Significant vegetation removal.** The removal or alteration of native trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning where no more than 25% of the live crown of the tree is removed over any 5-year period, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal. Vegetation management that may include thinning to reduce plant competition does not constitute significant vegetation removal when part of a management plan developed by a qualified habitat biologist or forester and where it is shown that ecological functions will not be reduced. Removal of trees deemed by a qualified professional to be hazardous, dangerous or unstable does not constitute significant vegetation removal.

**Single-family residence.** A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

**SMA.** The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.
Solid waste. Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, or wastes not specifically listed above.

Solid waste disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on any land area or in the water.

Steep slope (also “steep bluff”). A topographic feature in which the slope is greater than 1 vertical to 1 horizontal (45° or 100% slope) and with a height from the toe of the slope greater than 10 feet. Also, a bluff.

Storm water. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water normally contained within a channel.

Structure. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. That which is built or constructed, or an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner, and includes posts for fences and signs, but does not include mounds of earth or debris.

Structure setback. See setback.

Subdivision. The division or redivision of land to create new parcels for use.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause significant ecological impact. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

(a) The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or

(b) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or

(c) Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Sub-unit. For the purposes of this SMP, a sub-unit is defined as an area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline. Also referred to as shoreline segments in this SMP.

Subordinate. Less important than and secondary to a primary structure or use, in this SMP meaning an accessory or ancillary use, which is physically smaller than and acts to support the primary use.
**Swamp.** A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

**Terrestrial.** Of or relating to land as distinct from air or water.

**Transportation facilities.** A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to streets, highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

**Upland.** Generally described as the dry land area above and landward of the ordinary high water mark.

**Utility.** Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, solid wastes and the like. A public or private agency which may provide the service or facility that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

**Utilities (Accessory).** Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users.

**Variance.** A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the City’s Planning Commission and the Department of Ecology.

**VCA.** Vegetation Conservation Area or VCA. An area between the OHWM and a structure or development reserved to protect native vegetation. A vegetation conservation area (VCA) is an area along the shoreline where vegetation, especially native vegetation, contributing to the ecological function of shoreline areas must be protected, and where it has been removed or destroyed, should be restored. VCA’s are generally measured from the shoreline a specific width landward of and perpendicular to the shoreline.

**Vessel.** Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water. A floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

**Visual Access.** Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

**Visual Buffer.** Means of lessening or absorbing the visual impact of a use or development on an adjacent use or development, or separating uses or developments of differing intensities. Visual buffers may include but are not limited to fences or vegetative screens.

**WAC.** Washington Administrative Code.
**Water-dependent.** A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, and storm water discharges.

**Water-enjoyment.** A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- Food and beverage establishments with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

**Water-oriented use.** A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

**Water quality.** The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under SMA and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

**Water-related use.** A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

**Weir.** A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment of other moving objects transported by water.

**Wetland or wetlands.** Defined in Chapter 15.24 PAMC. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar
areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

_Wetland category._ Defined in Chapter 15.24 PAMC—See chapter 3, section 6.

_Wetland delineation._ Identification of a wetland boundary pursuant to Section 15.24.040(C) PAMC and the most recent edition of the U. S. Army Corps of Engineers (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary, the Wetland Delineation Manual as defined and described in Chapter 15.24 PAMC.

_Wetlands rating system._ Defined in Chapter 15.24 PAMC—See chapter 3, section 6.

_Zoning._ The system of land use and development regulations and related provisions Title 17 PAMC.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

_Amend chapter 7 for consistency with WAC 173-26-191 (2)(a)(iii), WAC 173-27 and RCW 90.58. Additionally, in accordance with RCW 90.58.090 (7) stating a Master Program takes effect when and in such form as approved or adopted by the department, assign duties to the “Appointed Review Body” as outlined in section A.2 as requested by the City as a result of internal permit procedure changes currently in process._

**Chapter 7 – Administrative Provisions**

**A. Administrative Authority and Responsibility**

Except when specifically exempted by statute, all proposed uses and developments occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program.

The City or Department may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of a project with the Act and this master program.

Applicants requesting review for permits or statements of exemption under this master program have the burden to prove that the proposed development or activity is consistent with the criteria that must be met before a permit or statement of exemption is granted.

1. **Shoreline Administrator**

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The Director of the City of Port Angeles Department of Community and Economic Development or his/her designee (the Administrator) is vested with authority to:

a. Administer this Master Program;

b. Conduct a thorough review and analysis of shoreline substantial development permit applications. Make written findings and conclusions and approve, approve with conditions, or deny such permits in accordance with the policies and provisions of this Master Program, unless a public hearing or appeal is involved; Recommend to the appointed reviewing body approval, approval with conditions, or denial of any permit applications or revisions in accordance with the policies and regulations of this Master Program and the provisions of the City of Port Angeles Zoning Code;

c. Grant or revise written permit exemptions from Shoreline Substantial Development Permit requirements of this Master Program (see Section B.2 below); Grant written permit exemptions from Shoreline Substantial Development Permit requirements of this Master Program. (See Section B.2. Exemptions below)

d. Determine compliance with the State Environmental Policy Act (Chapter 43.21C RCW; Chapter 197-11 WAC);

e. Specify the required application forms and submittal requirements including the type, details and number of copies;

f. Advise interested citizens and project proponents of the goals, policies, regulations and procedures of this Master Program;

g. Make administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act. When developing administrative interpretations of its shoreline master program, the City shall consult with the Department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines;

h. Collect applicable fees;

i. Determine that application submittals are substantially complete;

j. Make field inspections as necessary;

k. Submit variance and conditional use permit applications or rescission and make findings and recommendations on such to the appointed reviewing body for its consideration and action; Submit substantial development permit, variance permit and conditional use permit applications and make written recommendations and findings on such permits to the approved reviewing body for consideration and final action;

l. Assure that proper notice is given to appropriate persons and the public for all hearings;

m. Provide technical and administrative assistance to the approved appointed reviewing body as required for effective and equitable implementation of this Master Program and the Act;

n. Provide a summary report of the shoreline permits issued in the past calendar year
to the approved appointed reviewing body and the City of Port Angeles City Council;

o. Investigate, develop and propose amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies;

p. Seek remedies for alleged violations of this Master Program, the provisions of the Act, or of conditions of any approved shoreline permit issued by the City;

q. Coordinate information with affected agencies; and

r. Review and grant permit revisions. If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, consistent with this Master Program and the Act, the Administrator may approve the revision;

s. Determine if a proposed development is one of public significance and/or could have a significant impact on the shoreline environment, and consider permit rescissions in accordance with RCW 90.58.140 (8). Upon making such a determination, the Administrator may forward the application for shoreline substantial development to the appointed reviewing body for a hearing and action; and

t. Forward any decision on any permit application to the Washington State Department of Ecology for filing or action.

2. Port Angeles Planning Commission—Appointed Reviewing Body

The appointed reviewing body (Reviewing Body) Port Angeles Planning Commission (Commission), is vested with authority to:

a. Consider shoreline substantial development permits, conditional use permits, and variance permits.

ab. Review public input on and approve, approve with conditions, or deny requests for shoreline substantial development permits, variance permits, and conditional use permits, shoreline substantial development permits (when a hearing is required) and permit rescissions after considering the findings and recommendations of the Administrator; provided that the Commission's reviewing body's decisions may be further appealed to the City Council or to State Shorelines Hearings Board as provided for in the Act.

be. Review and recommend to the City Council any revisions or amendments to the master program in accordance with the requirements of the Act and related WACs 173-26-090.

cd. Conduct public hearings as specified in the permit process or which have been requested by the Administrator.

de. Base all decisions on shoreline permits Prepare written findings and conclusions to approve, deny or condition a permit based on the criteria established in this master program.

1 The Planning Commission is the appointed reviewing body for the City of Port Angeles, until such time as or if the city contracts with a Hearings Examiner. At that time, the Hearings Examiner shall maintain the duties and authority as outlined herein.
ef. Require, at the discretion of the Commission, Where required by this Master Program or other City codes, require any applicant granted a shoreline permit to post a bond; or other acceptable security; with the City that ensures the applicant, or the applicant’s successors in interest, will adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least 150 percent of the estimated development cost including attached conditions. Such bonds or securities must be approved by the City Attorney.

fg. Consider the Administrator’s findings and conclusions pertinent to permit decisions in the case of an appeal made by interested parties or members of the public and render the City’s final decision. Review any recommendations of the Administrator for amendments to or revisions of this program and recommending to the City Council amendments or revisions. The Commission shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective, any amendments to the program must be reviewed and approved by the Department of Ecology, pursuant to Chapter RCW 90.58.190 and Chapter 173-19 WAC.

3. Port Angeles City Council

a. The Port Angeles City Council is vested with authority to:

1. Approve any revisions or amendments to the master program in accordance with the requirements of the Act and related WACs.

b. The duties and responsibilities of the City council shall include:

1. Require, any applicant granted a shoreline permit to post a bond, or other acceptable security, with the City which ensures the applicant, or the applicant’s successors in interest, will adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least 150 percent of the estimated development cost including attached conditions. Such bonds or securities must be approved by the City Attorney.

a2. Review and act upon any recommendations of the Administrator and/or City Planning Commission appointed review body for amendments to or revisions of the program. The Commission Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendments to the program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.1090 and Chapter 173-2649 WAC.

B. Shoreline Substantial Development Permits and Exemptions

1. Substantial Development
A substantial development permit must be obtained prior to undertaking a “substantial development” as defined by the SMA and this Master Program.

“Substantial development” shall mean any development of which the total cost or fair market value exceeds five thousand dollars $6,416 (may be adjusted for inflation by the office of financial management every 5 years), or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following are a summary of common developments not considered substantial developments in accordance with RCW 90.58.030 (3)(e):

a. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

b. Construction of the normal protective bulkhead common to single family residences.

c. Emergency construction necessary to protect property from damage by the elements (see chapter 6 for the definition of emergency).

d. Construction or modification of navigational aids such as channel markers and anchor buoys.

e. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single or multiple family residence, the cost of which exceeds five thousand dollars.

f. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water

Note: Exemption from substantial development permit requirements does not constitute exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this master program, and other applicable city, state or federal permit requirements. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process. The list above is a summary; for a complete list, see RCW 90.58.030 (3)(e) and WAC 173-27-040.

A development or use that is listed as a conditional use in this master program or is an unlisted use must obtain a conditional use permit even if the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

The Administrator’s decision on a shoreline substantial development permit may be appealed to the appointed reviewing body as outlined in section A above. The Administrator’s decision shall not require a public hearing except in accordance with section A (1)(s) above.
2. **Statement of Exemption**

For projects which are located within shoreline jurisdiction but which do not require a shoreline substantial development permit or approval, applicants shall be required to obtain a written "statement of exemption". The statement of exemption verifies that the shoreline development is exempt and provides the applicant with an itemized list of all requirements (master program and otherwise) applicable to the proposed development. For shoreline development which is exempt, the statement shall indicate the specific exemption that is being applied to the development and provide a summary of the City’s analysis of the consistency of the project with the master program and the act. The City may permit official shall attach shoreline master program requirements and conditions to the building permit or other permit pursuant to RCW 90.58.140 approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this Master Program. For example, a building permit for a single-family residence can be conditioned with provisions from the master program.

The Administrator’s decision on an exemption may be appealed to the appointed reviewing body as outlined in section A above.

C. **Conditional Use Permits**

1. **Conditional Shoreline Conditional Use Development Permits**

The Shoreline Administrator or otherwise authorized designee shall have the authority to make findings, conclusions, and recommendations on shoreline conditional use permits, and the Planning Commission. The appointed reviewing body shall have the authority to hear and grant, in appropriate cases and subject to appropriate conditions and safeguards, conditional take action on applications for shoreline conditional use development permits as authorized by section A above Chapter 15.08.040 of the Port Angeles Municipal Code (PAMC), as consistent with the Shoreline Management Act (SMA) (RCW 90.58.100(5)) and WAC 173-27-160. The application for a conditional shoreline development conditional use permit shall be made on forms prescribed by the Shoreline Administrator and shall be processed pursuant to the PAMC. Review will be for purposes of determining consistency with:

- The legislative policies stated in the Shoreline Management Act, RCW 90.58.020 (SMA).
- The Shoreline Master Program of the City of Port Angeles.

Conditional use permits require a public hearing as outlined in section A.2 above. Notice of public hearings shall be published in the same manner as provided in the Port Angeles Municipal Code.

2. **Conditional Shoreline Conditional Use Development Permit Criteria**

The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the master program in a manner consistent with the policies of the SMA. In authorizing a conditional use, special conditions may be attached to the permit by the
City or Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this master program. Conditional use permits may also be granted in circumstances where denial of the permit would result in a thwarting of the policies enumerated in the SMA. Conditional use permits may be granted in the following circumstances:

a. The uses is classified or set forth in the master program as a conditional use and the applicant can demonstrate all of the following:
   1. The proposed use will be consistent with the policies of the SMA and the policies of the City of Port Angeles Shoreline Master Program;
   2. The proposed use will not interfere with the normal public use of public shorelines;
   3. The proposed use of the site and design of the project will be compatible with other permitted uses within the area;
   4. The proposed use will cause no unreasonably significant adverse effects to the shoreline environment in which it is to be located; and
   5. The public interest suffers no substantial detrimental effect.

b. Uses not classified or set forth in the master program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in Subsection 2a above of this section, consistency with any other requirements for conditional uses in this master program extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

c. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

d. Uses which are specifically prohibited by the master program may not be authorized as conditional uses.

e. All Shoreline Conditional Use Permits issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10). Appeals of Ecology decisions on shoreline conditional use permits shall be made to the Shoreline Hearings Board as specified in section E.3 below.

3. **Imposition of Conditions**

To ensure compliance with the criteria stated in the Port Angeles Municipal Code, the Shoreline Administrator shall have the authority to recommend, and the Planning Commission shall have the authority to require and approve, a specific plan for a proposed use, to impose performance standards that make the use compatible with other permitted uses within the area, and to increase adherence to the requirements set forth in Title 17 PAMC that are applicable to the proposed use. In no case shall the City have the authority to decrease the requirements of Title 17 PAMC when considering an application for a conditional shoreline development permit; any decrease shall only be granted upon the issuance of a variance.
4. Compliance with Conditions

When plans are required to be submitted and approved as part of the application for a conditional shoreline conditional use development permit, modifications of the original plans may be made only after a review has been conducted by the Shoreline Administrator and approval granted by the designated hearing body. Revisions to permits shall be processed in accordance with section E 4 below.

In the event of failure to comply with approved plans approved by the City or with any conditions imposed upon the conditional use shoreline development permit, the permit shall immediately become void and any continuation of the use activity shall be construed as being in violation of Title 15-47 PAMC and a public nuisance.

D. Variances

1. Variances – Generally

The Shoreline Administrator or otherwise authorized designee shall have the authority to make findings, conclusions, and recommendations on shoreline variances. The appointed reviewing body shall have the authority to hear and take action on applications for the Shoreline Administrator shall have authority to act upon and the Planning Commission shall have authority to grant variances as authorized by section A above from the substantive requirements of this SMP in accordance to subsection 2 below. The application for a variance shall be made on forms prescribed by the Shoreline Administrator and shall be processed and acted upon in the same manner as is provided for conditional shoreline development permits. If a variance application is not merged with a pending substantial development permit application, the applicant shall pay the City the fee established in PAMC 3.70. All variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10).

Variances require a public hearing as outlined in section A.2 above.

2. Variance Criteria

The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the master program when there are extraordinary or unique circumstances relating to the physical character or configuration of the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the SMA. The criteria for granting variances shall be consistent with WAC 173-27-170 and include the following:

a. Variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in the SMA RCW 90.58.020. In all instances, extraordinary circumstances should be shown, and the public interest should suffer no substantial detrimental effect.

b. Variances for development that will be located landward of the ordinary high-water mark and/or landward of any wetland may be authorized provided the applicant can
demonstrate all of the following:

1. The strict application of the bulk, dimensional, or performance standards as set forth in the master program precludes or significantly interferes with a reasonable permitted use of the property;

2. The hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the master program and not, for example, from deed restrictions or the applicant’s own actions;

3. The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation;

4. The variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and

5. The public interest will suffer no substantial detrimental effect.

c. Variances for development located waterward of the ordinary high-water mark or within any wetland may be authorized provided the applicant can demonstrate all of the criteria specified in Subsection 2b of this section above and that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance, and that the strict application of the bulk, dimensional or performance standards set forth in the master program precludes all reasonable use of the property.

d. Uses which are specifically prohibited by the master program may not be authorized as a variance.

e. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

f. All shoreline variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10). Appeals of Ecology decisions on shoreline variances shall be made to the Shoreline Hearings Board as specified in section E.3 below. Appeals of Ecology decisions on variances shall be made to the Shoreline Hearings Board as specified in section E.3 below.

E. Permit Application

1. Application Process

The Administrator shall provide the necessary application forms for shoreline substantial development permits, conditional use permits, and variance permits.

a. The applicant shall provide, at a minimum, the following information:
1. The most recently approved updated Joint Aquatics Resource Permit Application (JARPA) form.

2. The State Environmental Policy Act (SEPA) checklist.

3. The filing fee in an amount as established in PAMC 3.70 payable at the time of the application.

b. A complete application and supporting documents for all shoreline permits shall be submitted to the Shoreline Administrator for processing and review. Any deficiencies in the application shall be corrected by the applicant prior to further processing.

c. Permit Application Review

1. Notice of Application and Permit Application Review shall occur in accordance with WAC 173-27-110 and PAMC 18.02. Public comment periods shall be 30 days in length in accordance with RCW 90.58.140 (4).

2. The Administrator shall make recommendations for approval, disapproval or approval with conditions of substantial development permits, variance permits and conditional use permits based on the policies and procedures of the Act, and related WAC's as amended, and the City of Port Angeles Shoreline Master Program, as amended.

d. Public Hearings

1. Public hearings shall be held as requested or required in accordance with sections A-D above. The Planning Commission will hold at least one public hearing after the required processing and comment period prescribed in WAC 173-27-110.

2. A written notice of the public hearing at which the appointed reviewing body will Planning Commission considers the application, shall be mailed or delivered to property owners within at least 300 feet of the subject property, posted on the site and published in the local newspaper per WAC 173-27-110 and PAMC 17.96.140.

3. The Planning Commission appointed reviewing body shall review permit applications and make a decision based on any or all of the following:

   i. The application materials;
   ii. SEPA documentation (if required);
   iii. Written and oral comments from interested persons during the published public comment period;
   iv. Evidence presented at the public hearing;
   v. The findings, conclusions, and the recommendations of the Administrator;
   vi. This Shoreline Master Program; and
vii. The Shoreline Management Act, RCW 90.58, and its supporting WAC’s.

4. Following the action taken by the Planning Commission appointed reviewing body, the City will send a notice of decision to Department of Ecology per PAMC 18.02.070(F) WAC 173-27-200.

2. Time Requirements

a. The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.

b. Construction pursuant to permits issued shall not begin and is not authorized until twenty-one (21) days from the date of filing as provided in RCW 90.58.140 (5) and (6); or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing.

c. Construction activities shall commence or, the use or activity shall commence within two years of the effective date of a substantial development permit. Local government The City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date, and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.

d. Authorization to conduct construction development activities will terminate five years after the effective date of a substantial development permit. Local government The City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

e. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6).

f. The permit time periods in subsections (b) and (c) of this section provisions 2(c) and (d) above do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

3. Appeals to State Shorelines Hearings Board

a. Any decision or ruling made by the Administrator on a substantial development permit, master program policy or regulation interpretation, permit revision, exemption or other action within the purview and responsibility of the Administrator may be appealed to the appointed reviewing body as outlined in section A above.
b. Any person aggrieved by the granting, denying, or rescinding rescission, or modification of a Shoreline Permit on shorelines of the state may seek review from the State Shorelines Hearings Board by filing a petition an original and one copy of an appeal request for the same for review within twenty-one days of the date of filing of the decision as defined in RCW 90.58.140 (6), with the Hearings Board within 14 days of receipt of the final decision. Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Department, the office of the attorney general, and the City. Request shall be in the form required by the rules for practice and procedure before the Hearings Board. The person seeking review shall file a copy of the request for review with the State Department of Ecology and the Attorney General. Hearing Board regulations are contained in Chapter 461-08 WAC.

4. Revisions to Permits (See also WAC 173-27-100)

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of the Act. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a substantial development, conditional use, or variance permit, the Shoreline Administrator shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the Shoreline Management Act, and this master program. “Within the scope and intent of the original permit” means the following:

a. No additional over-water construction will be allowed except pier, dock, or float construction may be increased by five hundred square feet or ten percent of the original permit dimensions whichever is less.

b. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit. New structures not shown on the original site plan, however, require a new permit.

c. Landscaping may be added to a project or revised without necessitating a new permit if consistent with the conditions attached to the original permit and with the shoreline master program.

d. The use authorized pursuant to the original permit is not changed.

e. No additional significant adverse environmental impact will be caused by the project revision.

f. The revised permit shall not authorize development to exceed height, lot coverage,
setback, or any other requirements of the applicable master program or zoning ordinance except as authorized under a variance granted by the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the Shoreline Administrator shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

The revision approval, including the revised site plans and text consistent with section E1 above as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this subsection shall be filed with the Department of Ecology. In addition, the City shall notify parties of record of the action. If the revision to the original permit involves a conditional use or variance, the City shall submit the revision to the Department for the Department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection.

The department shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the Department's receipt of the submittal from the City. The City shall notify parties of record of the Department's final decision. The revised permit is effective immediately upon final decision by the City or, when appropriate upon final action by the Department.

F. Nonconforming Uses and Development

Nonconforming uses or developments are a shoreline uses or structures which was lawfully constructed or established prior to the effective date of the act or the master program, or amendments thereto, but that does not conform to present regulations or standards of the master program or policies of the act. In such cases, the following standards shall apply:

1. Nonconforming Structures and Development
   a. Legally established nonconforming development structures being used for a conforming use may be continued maintained and repaired and may be enlarged or expanded provided it is such structure is not enlarged, intensified, increased, or altered in any way that increases its nonconformity.
   b. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded. Existing, non-water oriented industry is the only exception; such uses may be permitted to expand upland with approval of a conditional use permit. See chapter 5, section 5 (c).
   c. A legal, conforming building or structure housing a nonconforming use shall be permitted to be repaired, altered, remodeled, or reconstructed providing said repairs, alteration, remodeling, or reconstruction do not expand the building space or site area used by a nonconforming use. For existing non-water oriented industry, see F 1 (b) above.
d. A nonconforming development structure that is moved any distance must be brought into conformance with the master program and the Act when feasible, and at a minimum be made more conforming.

e. If a nonconforming development structure is damaged to an extent not exceeding 75 percent of the assessed value of the structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration or reconstruction is started within nine months and is completed within 18 months of the date that damage or demolition occurred, or, if such date is unknown, then the date that the damage or demolition is reported, or reasonably capable of being reported, to the City. Restoration is completed within one year of the date of damage. A legal nonconforming building or structure damaged or demolished to an extent that exceeds 75 percent of the existing assessed value of the building or structure for tax purposes may be restored or reconstructed providing it conforms to all regulations of the environment designation or shoreline segment in which it is located. Reconstruction will require obtaining standard building permit prior to construction.

f. If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any 2-year period of one year or more, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.

g. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment or prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

h. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

i. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or non-conforming status of the building or structure in which it is housed.

2. Nonconforming Lots

a. An undeveloped lot, tract, parcel, site, or subdivision located landward of the ordinary high water mark which was legally established prior to the effective date of the Act and or the master program but that does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the master program and the Act.

G. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, including conditions applied, relating to consistency
with shoreline management provisions in this SMP. The City shall periodically evaluate the cumulative effects of authorized development on shoreline conditions.

H. Enforcement and Penalties

The choice of enforcement action and the severity of any penalty will be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

1. Civil Penalty

a. Action: The City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the state shorelines that conflict with the provisions of the Act and this master program and to otherwise enforce the provisions of the Act and the master program.

b. Non-Compliance: Any person who fails to conform to the terms of a permit issued under this master program, or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the master program, or who fails to comply with a cease and desist order issued as outlined below under regulations shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

c. Aiding and Abetting: Any person who, through an act of commission or omission procedures, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

d. Notice of Penalty: The City and/or the Department of Ecology shall serve written notice of the penalty, either by certified mail with return receipt requested or by personal service, on the person incurring the violation. The notice shall describe the violation, approximate date(s) of the violation, and shall order the acts constituting the violation to cease and desist, or in appropriate cases, require necessary corrective action within a specific time. include the "content of order" specified in subsection 6 Regulatory Order. Notice shall be considered served when delivered in person or on the fifth day after mailing.

e. Remission and Joint Order: Within 30 days of the date of receipt of the penalty service, the person incurring the penalty may apply appeal in writing to the City for remission or mitigation of such penalty. Upon receipt of the application, the City may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Appeals of any penalty imposed by the City pursuant to this section by the City shall be subject to review by the City Council. In accordance with RCW 90.58.050 and RCW 90.58.210(4), any penalty jointly imposed by the City and the Department of Ecology may be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the City and the Department of
Ecology, it may be remitted or mitigated only upon such terms as both the City and the Department agree.

f. Regulatory Order: Content of order shall set forth and contain:

1. A description of the specific nature, location, extent, and time of violation and the damage or potential damage; and

2. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.

fg. Effective Date: The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.

gh. Compliance: Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

2. Delinquent Permit Penalty

Permittees applying for a permit after commencement of a use or activity may, at the discretion of the City, be required, in addition, to pay a delinquent permit penalty not to exceed three times the appropriate standard permit fee paid by the permittee. A person who has caused, aided, or abetted a violation within two years after the issuance of a regulatory order, notice of violation, or penalty by the City or the Department may be subject to a delinquent permit penalty not to exceed ten times the appropriate standard permit fee paid by the permittee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

3. Property Lien

Any person who fails to pay the prescribed penalties as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The City Attorney shall file the lien against the affected property at the office of the County Assessor.

4. Mandatory Civil Penalties

Issuance of civil penalties is mandatory in the following instances:

a. The violator has ignored an order or notice of violation;

b. The violation causes or contributes to significant environmental damage to shorelines of the State as determined by the City or the Department;

c. A person causes, aids, or abets in a violation within two years after issuance of a similar regulatory order, notice of violation, or penalty by the City or the Department.

5. Minimum City Penalty Levels
a. The minimum penalty for all violations with mandatory civil penalties as outlined above is two hundred and fifty dollars ($250.00).

b. For all other penalties instances requiring penalties not outlined in 4 above, the minimum penalty is one hundred dollars ($100.00)

6. General Criminal Penalty

In addition to incurring civil liability under Section 1 A, any person found to have willfully engaged in activities on the shorelines of the State in violation of the provisions of the Act or the master program shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for not more than 90 days for each separate offense, or by both such fine and imprisonment. Provided that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars ($500.00) nor more than one ten thousand dollars ($10,000.00).


Any person subject to the regulatory program of the Act or the master program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provisions to assure that restoration will be accomplished within reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

I. Amendments to this Master Program

The City shall conduct a review of its master programs at least once every eight years as required by RCW 90.58.080 (4)(b). Following the required review, the City shall, if necessary, revise its master program to assure:

a. That the master program complies with applicable law and guidelines in effect at the time of the review; and

b. Consistency of the master program with the comprehensive plan, development regulations, and other local requirements.

If the City or Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption.