ATTACHMENT A: FINDINGS AND CONCLUSIONS - ADDENDUM
FOR THE PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF PORT ANGELES
SHORELINE MASTER PROGRAM

SMP changes accepted as outlined in letter dated October 22, 2014
Prepared by Chrissy Bailey on October 31, 2014

Brief Description of Proposed Amendment: The City of Port Angeles (City) has submitted to the Department of Ecology (Ecology) for review and approval a comprehensive update to its Shoreline Master Program (SMP). The City locally adopted the updated SMP by Resolution No. 13-12 on June 19, 2012. Ecology accepted the City’s submittal as complete on February 5, 2013. On September 12, 2014, Ecology Director Maia Bellon sent a letter to Mayor Dan Di Guilio, approving the SMP with conditions. The City responded in a letter dated October 22, 2014 indicating that the City Council accepted all required changes.

In its October 22, 2014 letter, the City proposed one change to the conditionally approved SMP to further clarify the setback provisions applicable to segment J in chapter 2, section B.2.d. Water dependent development is allowed in Vegetation Conservation Areas and shoreline setbacks per chapter 3, section 12. However, the Port of Port Angeles was concerned and the City Council agreed that previously existing language exempting the Boat Haven Marina jetty from all setback requirements, which language was removed from the locally adopted SMP during Ecology’s review, was integral to the Port’s ability to redevelop this area in response to changing boater and marina needs into the future. The City’s proposed change would reinstate the statement that the Boat Haven Marina jetty is exempt from setback requirements and reiterate that in the remainder of this shoreline segment, setbacks apply to non-water dependent uses and development as outlined in chapter 3, section 12:

Chapter 2 - Environment Designation Provisions and Regulations

Section B.2 - Environment Descriptions and Specific Development Standards | High Intensity Marine (HI-M) Environment (Segments E and J)

Subsection (d) - Environment Specific Development Regulations

<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 E (facing the Strait)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Segment E (facing the Harbor)</td>
<td>OHWM to the waterward extent of new structural road foundation</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Segment J</td>
<td>N/A</td>
<td>50 feet*</td>
<td>45 feet</td>
</tr>
</tbody>
</table>

*Setback requirements do not apply to jetties in the Boat Haven Marina. In the remainder of segment J water-dependent uses may be built within the 50-foot setback. The 50-foot setback from the OHWM is required for non-water-dependent uses.
FINDINGS OF FACT

The City Council accepted all required changes, and proposed additional/alternative language in the form of one clarifying footnote. The additional language is outlined above.

When evaluating the locally adopted SMP, Ecology staff interpreted the subject statement regarding setback exemptions for the Boat Haven Marina jetty to be in reference to the jetty as a structure itself; in other words, Ecology read the provision to relate to location of the jetty relative to a setback, rather than to setbacks applying to uses or development on the jetty. When Ecology’s required changes clarified that setbacks applied to buildings and would not apply to features such as a jetty, this language was considered redundant and was stricken. Following the City’s public hearing to consider Ecology’s conditional approval, the Port submitted a letter to the City and to Ecology expressing concern that this statement was removed. Ecology came to understand the intent of the original statement through further discussion, and agrees that as conditionally approved this intent was lost. Ecology supports the City Council’s requested alternative to reinstate this provision in the SMP.

Ecology finds that exempting the Boat Haven Marina jetty from setback requirements is not likely to substantially impact existing views from public property or a substantial number of residences (WAC 173-26-221 (4)(d)(iv)). View provisions in chapter 2, section B.2 and in chapter 5, section B.3 will still apply to uses and development on the jetty.

Ecology finds that the jetty is currently surfaced with impervious materials (asphalt pavement and hard packed gravel), protected by rip rap, and devoid of substantial vegetation. Exempting the jetty from setback requirements will not result in a loss of vegetation contributing to shoreline ecological functions (WAC 173-26-221 (5)(c)) or the need for new shoreline stabilization (WAC 173-26-231 (3)(a)(iii)).

CONCLUSIONS OF LAW

Chapter 2, Section B.2 (Environment Descriptions and Specific Development Standards) | Subsection (Table) d - Environment Specific Development Regulations: The alternative language (asterisk and footnote) remains consistent with WAC 173-26, the Shoreline Management Act, and the scope of the original submittal.

Ecology concludes that consistent with RCW 90.58.090(2)(e)(ii), Port Angeles’ proposed alternative language provided herein and in the addendum to attachment B is consistent with the Shoreline Management Act, the SMP Guidelines (WAC 173-26) and does not conflict with the purpose or intent of Ecology’s original changes identified in Director Bellon’s letter, including all attachments, of September 12, 2014.

Ecology concludes that the alternative/clarifying language is not likely to result in a net loss of shoreline ecological functions when considering implementation of the new updated master program as a whole - WAC 173-26-201(2)(c).

DECISION AND EFFECTIVE DATE

Ecology approval of Port Angeles’ comprehensively updated SMP is effective fourteen (14) days from the date of the Ecology Director’s letter accepting the City’s alternative language.