Port Angeles
Shoreline Master Program

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# Table of Contents

Table of Contents ........................................................................................................................................... i

List of Tables .................................................................................................................................................. v

Chapter 1. Introduction to the SMP ............................................................................................................. 1

A. Introduction to the Shoreline Management Act ....................................................................................... 1

B. What is the Shoreline Master Program (SMP)? ....................................................................................... 2

C. Geographic Applications of the SMA ........................................................................................................ 2
   1. Applicable Area ...................................................................................................................................... 3

D. Process to Develop this SMP .................................................................................................................... 4
   1. Coordination with other Shoreline Planning and Development Activities ........................................... 4
   2. The Public Participation Process ......................................................................................................... 4
   3. Shoreline Goals .................................................................................................................................... 6

E. How the Shoreline Master Program is Used ............................................................................................ 6
   1. Administration ....................................................................................................................................... 6
   2. Relationship of this Shoreline Master Program to Other Plans ............................................................ 7

Chapter 2. Environment Designation Provisions and Regulations .............................................................. 11

A. Introduction ............................................................................................................................................. 11

B. Environment Descriptions & Specific Development Regulations ........................................................ 13
   1. High-Intensity Industrial (HI-I) Environment ...................................................................................... 13
      a. Purpose ........................................................................................................................................... 13
      b. Designation Criteria ....................................................................................................................... 13
      c. Management Policies ..................................................................................................................... 14
      d. Environment-Specific Development Regulations ....................................................................... 15

   2. High-Intensity Marine (HI-M) Environment ...................................................................................... 21
      a. Purpose ........................................................................................................................................... 21
      b. Designation Criteria ....................................................................................................................... 21
      c. Management Policies ..................................................................................................................... 23
      d. Environment-Specific Development Regulations ....................................................................... 23

   3. High-Intensity Urban Uplands (HI-UU) Environment ....................................................................... 29
      a. Purpose ........................................................................................................................................... 29
      b. Designation Criteria ....................................................................................................................... 29
      c. Management Policies ..................................................................................................................... 29
      d. Environment-Specific Development Regulations ....................................................................... 30

   4. High-Intensity Mixed-Use (HI-MU) Environment ............................................................................. 31
      a. Purpose ........................................................................................................................................... 33
      b. Designation Criteria ....................................................................................................................... 33
      c. Management Policies ..................................................................................................................... 33
      d. Environment-Specific Development Regulations ....................................................................... 34

   5. Urban Conservancy-Low Intensity (UC-LI) Environment .................................................................. 38
      a. Purpose ........................................................................................................................................... 39
      b. Designation Criteria ....................................................................................................................... 39
      c. Management Policies ..................................................................................................................... 39
      d. Environment-Specific Development Regulations ....................................................................... 40

   6. Urban Conservancy-Recreation (UC-R) Environment ....................................................................... 433
      a. Purpose ........................................................................................................................................... 43
b. Designation Criteria.................................................................43
c. Management Policies..........................................................43
d. Environment-Specific Development Regulations.............................44
7. Shoreline Residential (SR) Environment ........................................555
   a. Purpose............................................................................55
   b. Designation Criteria......................................................55
   c. Management Policies....................................................35
   d. Environment-Specific Development Regulations.......................56
8. Aquatic-Harbor (AQ-H) Environment................................................61
   a. Purpose............................................................................61
   b. Designation Criteria......................................................61
   c. Management Policies....................................................61
9. Aquatic-Conservancy (AQ-C) Environment ........................................62
   a. Purpose............................................................................62
   b. Designation Criteria......................................................62
   c. Management Policies....................................................62
C. Shoreline Use and Modification Matrices ...........................................64
   1. Shoreline Use Matrix..........................................................65
   2. Shoreline Modification Matrix................................................677
Chapter 3. General Policies and Regulations...........................................71
   1. Generally Applicable Policies and Regulations.................................69
      a. Applicability....................................................................69
      b. Policies..........................................................................69
      c. Regulations.................................................................69
   2. Archaeological and Historic Resources and Sites .............................70
      a. Applicability....................................................................70
      b. Policies..........................................................................70
      c. Regulations.................................................................71
   3. Critical Areas (General)................................................................72
      a. Applicability....................................................................72
      b. Policies..........................................................................72
      c. Regulations.................................................................72
   4. Critical Areas (Critical Saltwater Habitats)........................................73
      a. Applicability....................................................................73
      b. Policies..........................................................................73
      c. Regulations.................................................................74
   5. Geologically Hazardous Areas.........................................................75
      a. Applicability....................................................................75
      b. Policies..........................................................................76
      c. Regulations.................................................................76
   6. Critical Areas (Wetlands)............................................................77
      a. Applicability....................................................................77
      b. Policies..........................................................................79
      c. Regulations.................................................................80
   7. Avoiding Environmental Impacts.......................................................83
      a. Applicability....................................................................83
      b. Policies..........................................................................83
      c. Regulations.................................................................83
   8. Parking....................................................................................85
      a. Applicability....................................................................85
      b. Policies..........................................................................85
      c. Regulations.................................................................85
9. Public Access ................................................................................................................. 86
   a. Applicability ............................................................................................................. 86
   b. Policies ...................................................................................................................... 87
   c. Regulations .............................................................................................................. 87
10. Shorelines of Statewide Significance ........................................................................ 89
    a. Applicability ........................................................................................................... 89
    b. Policies .................................................................................................................... 89
11. Signage ......................................................................................................................... 91
    a. Applicability ........................................................................................................... 91
    b. Policies .................................................................................................................... 91
    c. Regulations ............................................................................................................. 91
12. Utilities (Accessory) ...................................................................................................... 92
    a. Applicability ........................................................................................................... 92
    b. Policies .................................................................................................................... 92
    c. Regulations ............................................................................................................. 93
13. Vegetation Conservation ............................................................................................. 93
    a. Applicability ........................................................................................................... 93
    b. Policies .................................................................................................................... 94
    c. Regulations ............................................................................................................. 94
14. Water Quality and Quantity ...................................................................................... 96
    a. Applicability ........................................................................................................... 96
    b. Policies .................................................................................................................... 96
    c. Regulations ............................................................................................................. 97

Chapter 4. Shoreline Modification Provisions ..................................................................1019

A. Introduction and Applicability ................................................................................... 99
B. Policies and Regulations ............................................................................................. 100
   1. General Policies and Regulations .........................................................................100
      a. Applicability .......................................................................................................100
      b. Policies ...............................................................................................................100
      c. Regulations .......................................................................................................101
   2. Shoreline Stabilization ............................................................................................ 102
      a. Applicability .......................................................................................................102
      b. Policies ...............................................................................................................103
      c. Regulations .......................................................................................................103
   3. Overwater Structures - Piers, Wharves, Docks, Floats, Pedestrian Walkways and
      Boating Facilities .................................................................................................... 112
      a. Applicability .......................................................................................................112
      b. Policies ...............................................................................................................112
      c. Regulations .......................................................................................................111
   4. Fill .............................................................................................................................. 114
      a. Applicability .......................................................................................................114
      b. Policies ...............................................................................................................114
      c. Regulations .......................................................................................................114
   5. Dredging and Disposal ............................................................................................ 117
      a. Applicability .......................................................................................................117
      b. Exemptions ..........................................................................................................116
      c. Policies ...............................................................................................................116
      d. Regulations .......................................................................................................118
   6. Shoreline Restoration ............................................................................................... 122
      a. Applicability .......................................................................................................122
      b. Policies ...............................................................................................................121
      c. Regulations .......................................................................................................123
   7. Dikes and Levees ...................................................................................................... 123

Table of Contents

Page iii
Chapter 5. Shoreline Use Provisions ................................................................. 125
A. Introduction ................................................................................................ 125
B. Shoreline Use Policies and Regulations .................................................. 125
   1. General Policies and Regulations ............................................................ 125
      a. Applicability ....................................................................................... 125
      b. Policies ............................................................................................... 126
      c. Regulations ......................................................................................... 126
   2. Aquaculture .............................................................................................. 126
      a. Applicability ....................................................................................... 126
      b. Policies ............................................................................................... 126
      c. Regulations ......................................................................................... 127
   3. Boating Facilities .................................................................................... 130
      a. Applicability ....................................................................................... 130
      b. Policies ............................................................................................... 131
      c. Regulations ......................................................................................... 131
   4. Commercial Development ...................................................................... 135
      a. Applicability ....................................................................................... 135
      b. Policies ............................................................................................... 136
      c. Regulations ......................................................................................... 136
   5. Industry .................................................................................................... 138
      a. Applicability ....................................................................................... 138
      b. Policies ............................................................................................... 139
      c. Regulations ......................................................................................... 1407
   6. Governmental and Institutional Uses ....................................................... 142
      a. Applicability ....................................................................................... 142
      b. Policies ............................................................................................... 142
      c. Regulations ......................................................................................... 1430
   7. Recreational Development ..................................................................... 143
      a. Applicability ....................................................................................... 143
      b. Policies ............................................................................................... 143
      c. Regulations ......................................................................................... 1452
   8. Residential Development ....................................................................... 146
      a. Applicability ....................................................................................... 146
      b. Policies ............................................................................................... 146
      c. Regulations ......................................................................................... 147
   9. Transportation ........................................................................................ 148
      a. Applicability ....................................................................................... 148
      b. Policies ............................................................................................... 1497
      c. Regulations ......................................................................................... 149
  10. Utilities (Primary) .................................................................................. 151
      a. Applicability ....................................................................................... 151
      b. Policies ............................................................................................... 151
      c. Regulations ......................................................................................... 15250

Chapter 6. Definitions ................................................................................. 1553

Chapter 7. Administrative Provisions ......................................................... 169
A. Administrative Authority and Responsibility ........................................... 169
   1. Shoreline Administrator ......................................................................... 169
   2. Port Angeles Planning Commission ...................................................... 170
   3. Port Angeles City Council ...................................................................... 171
B. Shoreline Substantial Development Permits and Exemptions ................................................................. 171
   1. Substantial Development ....................................................................................................................... 171
   2. Statement of Exemption ....................................................................................................................... 172
C. Conditional Use permits ......................................................................................................................... 172
   1. Conditional Shoreline Development Permits ...................................................................................... 172
   2. Conditional Shoreline Development Permit Criteria ......................................................................... 173
   3. Impositions of Conditions .................................................................................................................... 173
   4. Compliance with Conditions ............................................................................................................... 173
D. Variances .............................................................................................................................................. 174
   1. Variances - Generally ......................................................................................................................... 174
   2. Variance Criteria ................................................................................................................................ 174
E. Permit Application .................................................................................................................................. 175
   1. Application Process ............................................................................................................................... 175
   2. Time Requirements ............................................................................................................................... 176
   3. Appeal to State Shorelines Hearings Board ....................................................................................... 177
   4. Revisions to Permits ............................................................................................................................ 177
F. Nonconforming Uses and Development .............................................................................................. 178
   1. Nonconforming Development .............................................................................................................. 178
   2. Nonconforming Lots ............................................................................................................................. 178
G. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas ...... 178
H. Enforcement and Penalties ..................................................................................................................... 179
   1. Civil Penalty ........................................................................................................................................ 179
   2. Delinquent Permit Penalty ................................................................................................................... 180
   3. Property Lien ..................................................................................................................................... 180
   4. Mandatory Civil Penalties .................................................................................................................... 180
   5. Minimum Penalty Levels ...................................................................................................................... 180
   6. General Criminal Penalty .................................................................................................................... 181
   7. Violator Liabilities - Damages, Attorney’s Fees/Costs .................................................................... 181
I. Amendments to this Master Program .................................................................................................... 181

List of Tables
Table 1. Shoreline Use Matrix .................................................................................................................. 64
Table 2. Shoreline Modification Matrix .................................................................................................. 67
Table 3. Allowed Building Heights .......................................................................................................... 68
CHAPTER 1
Introduction to the SMP

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 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 states' 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 water 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 State Shoreline Management Act (SMA) provides a broad policy framework for protecting the shoreline environment. The Shoreline Master Program Guidelines adopted in 2003 establish the "no net loss" principle as the means of implementing that framework.

The no-net-loss standard is designed to stop new impacts to shoreline ecological functions resulting from new development. 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.

Resulting impacts of development should be identified and mitigated so as to maintain shoreline ecological function as it exists at the time of the City’s shoreline inventory.
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.

**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 also a regulatory code that establishes regulations for development occurring 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
- Cumulative Impacts Analysis;
- Restoration Plan (included as an appendix to the SMP); and
- No Net Loss Report.

**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).

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.
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.

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.
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 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. 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 consists 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 and 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.

Public Participation: September 14 public open house; participants register their preferences

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 include 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.
3. Shoreline Goals

The goals and objectives described below represent the public input necessary to update the SMP as noted in WAC 173-26-201(3)(b). In terms of the SMP process, the goals serve as value statements from which more specific SMP policies are derived. SMP policies and regulations are fundamentally based on the Guidelines found in WAC 173-26. The goals stated below are based on State requirements and are included in the Harbor Resource Management Plan and this Shoreline Master Program. As stated in WAC 176-26, all shoreline goals and objectives must be consistent with the concept of "no net loss" of shoreline environmental processes.

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.

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 also establishes regulations for development occurring within shoreline jurisdiction. 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 for consistency with this Shoreline Master Program. The Shoreline Administrator for the City of Port Angeles is the 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. 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 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). The regulations are 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 be administered in concert with other PAMC provisions.

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) codified by ordinance #2655 and #2656, dated November 29, 1991 (most recently amended by ordinance #3367 dated September 15, 2009). All references throughout the SMP to critical area ordinances are to the above mentioned code. The Port Angeles SMP must also be mutually consistent with 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.
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 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 plan. Also, during 2010 and 2011, the City produced the Waterfront and Transportation Improvement Plan (WTIP) which focuses on public infrastructure projects on the downtown 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, the Department of 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 have been deposited directly from past industrial practices and/or spills. Contaminants may be associated with residential, recreational and commercial activities, and some may be associated with permitted industrial outfalls. Storm water can dissolve and/or transport substances and exposed soils 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 harbor cleanup efforts 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

A. Introduction

The Shoreline Management Act (Chapter 90.58 RCW) and Shoreline Master Program Guidelines (Chapter 173-26 WAC) provide for shoreline environment designations to serve as a tool for 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 Environment), provide a means of establishing specific policies and regulations to shoreline segments that recognize different shoreline conditions and valuable shoreline resources. They also are a way to integrate comprehensive planning into shoreline master program regulations. 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. 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 to address 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 included for each environmental designation.
Section B describes the purpose, designation criteria, applicable shoreline areas, management policies and specific development standards for each environment designation. 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.

Section C of this chapter includes a shoreline use matrix and shoreline modification matrix which summarizes standards for shoreline development.

**Note:** The Ordinary High Water Mark (OHWM) indicated on all maps is based on the elevation line of 7 feet above sea level. The OHWM must be determined in the field based on the criteria of RCW 90.58.030(2)(b).

**Shoreline Vegetation Conservation Areas**

Shoreline vegetation performs several important ecological functions including the prevention of erosion, maintenance of water quality, recruitment of woody debris, and provision of food for aquatic species.

A vegetation conservation area (VCA) is an area where vegetation, especially native vegetation, is to be managed in order to protect and restore ecological functions.

A VCA is not necessarily a buffer or no-touch area where all development is prohibited. Some development may be allowed within a VCA depending on the specific conditions.

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**Figure 2. Environment designation map identifying individual shoreline management segments.**
B. Environment Descriptions and Specific Development Regulations

Each individual reach within environment designations includes specific development regulations. The section diagrams are to provide illustration only. Where there is a conflict between specific development regulations and the section diagrams, the regulation shall apply. Vegetation Conservation Areas, critical area buffers, and building setbacks are listed for specific areas and have differing applications and uses. Vegetation conservation areas, buffers and setbacks may overlap each other and are not additive.

1. High-Intensity Industrial (HI-I) Environment

   a. Purpose

   The purpose of the High-Intensity Industrial (HI-I) Environment is to provide for high-intensity water-oriented industrial uses.

   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 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 uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed-use developments that combine water-dependent and non-water-oriented uses. Non-water-oriented uses may be allowed in limited situations on sites where there is no direct access to a shoreline with navigable waters and mitigation of shoreline impacts are included as part of the 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 development where there is both a public benefit and no security or use conflicts, as provided for in SMP Chapter 3, Section 9. Public Access.

   4. Shoreline management provisions — such as sign controls, development siting and screening, building bulk restrictions, and maintenance of visual buffers — should be included in projects to improve the visual qualities in this environment and the views from public properties and substantial numbers of residences.
5. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be provided to public access points by implementing measures such as street and trail improvements.

6. Redevelopment or ecological enhancement of substandard and degraded urban shoreline areas and obsolete structures should be encouraged through regulatory and capital improvement measures in order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses.
d. Environment-Specific Development Regulations

Segment C. Outer Industrial Strait of Juan de Fuca exposure.

Shoreline Designated HI-I Facing the Strait of Juan de Fuca

Begins: Western edge of parcel 06300014600

Ends: Extension of eastern edge of DNR lease 29 (DNR Port Angeles Harbor Area lease records map)

Structural armoring is not permitted unless nonstructural measures or bioengineering is not feasible. (Armoring may be permitted to protect utilities and roadways).

Figure 3. Section of HI-I facing the Strait of Juan de Fuca. (Vegetation enhancement applies only where there are not improvements.)
1. **Vegetation Conservation Area width**: 50-foot minimum width measured from the OHWM.
   NOTE: Although exposure limits vegetation growth in this segment, clearing and grading is not allowed. In some areas vegetation planting may be appropriate as mitigation.

2. **Structure setback**: 50-foot minimum width measured from the OHWM. Note that the VCA and setback width may be averaged 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 Elwha and Glines Canyon 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 only to protect existing 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 the shoreline with beach nourishment, placement of large woody debris, and vegetation enhancement may be considered as mitigation.
Shoreline Designated HI-I Facing the Lagoon

Begins: Extension of eastern edge of DNR lease 29 (DNR Port Angeles Harbor Area lease records map), following north side of lagoon.

Ends: Line from lagoon to 200 ft west of lagoon 100 feet due north of northern edges of parcels 063000102905 and 063000102900

Segment H. Industrial Lagoon.

Figure 4. Section of HI-I along the lagoon.
1. **Vegetation Conservation Area width and conditions**: 50-foot minimum width measured from the OHWM. Existing structures, improvements to existing structures where there is no increase in footprint, 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 development for all 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**: 50-foot minimum width measured from the OHWM. 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 existing utilities, roadways, and structures or as part of shoreline restoration. Soft armoring or other techniques should be considered and encouraged as a substitute for more traditional armoring. Shoreline stabilization is allowed along the channelized lagoon outlet.

6. **Other standards**: Direct untreated storm water away from lagoon.

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Industrial Lagoon at base of Ediz Hook designated HI-I.
Segment I  HI-I Facing the Port Angeles Harbor

Shorelines Designated HI-I Facing the Port Angeles Harbor

Begins: Center line of L Street right-of-way extended.

Ends: Eastern edge of parcel 063000011750

Structural armoring is not permitted unless nonstructural measures or bioengineering is not feasible. (Armoring may be permitted to protect utilities and roadways).

Notes: This section does not apply to the lagoon inlet which is walled with sheet piles and is intensely developed.

50' VCA and setback

Figure 5. Section of HI-I designation facing the Port Angeles Harbor.
The following Setbacks and VCA requirements do **not** apply to jetties or structures constructed for navigation.

1. **Vegetation Conservation Area width and conditions:** A 20-foot minimum width measured from the OHWM is required for new non-water-dependent uses. Water-dependent uses requiring direct contact with the shoreline may be developed within the VCA.

   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.

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

3. **Public access requirements:** Where on-site physical access is appropriate, the development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure useable access to and along the shoreline for the general public per the requirements of Chapter 3. Section 9, Public Access.

   Where public access is not appropriate 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.

   At a minimum, a continuous public access pedestrian and bicycle trail must be maintained 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 the Port Angeles Zoning Code, Title 17 PAMC.

5. **Special shoreline stabilization requirements:** New or enhanced shoreline stabilization may be allowed where 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.
2. High-Intensity Marine (HI-M) Environment

a. Purpose

The purpose of the High-Intensity Marine (HI-M) Environment is to provide for high-intensity water-oriented commercial, transportation, recreation, industrial uses, boat building and repair, marina facilities, the Coast Guard base, and ancillary uses.

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 base is located on lands considered to be a Government reserve and has unique security and operational requirements, so that shoreline management provisions do not apply to the U.S. Coast Guard base upland property.

b. Designation Criteria

A High-Intensity Marine Environment designation will be assigned to shorelands within City jurisdiction if they currently support and are suitable and planned for high-intensity water-oriented uses related to commerce, industry, transportation (including recreational boating), or navigation. 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 only be allowed 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 9. The U.S. Coast Guard base is exempt from this requirement.

4. 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. Pedestrian, bicycle, and vehicular 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 or ecological enhancement 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.

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,
d. Environment-Specific Development Regulations in IH-M Environments

Segment E, East Ediz Hook

Environment-Specific Development Regulations

In IH-M environments:

**Segment E, East Ediz Hook**

**High Intensity - Marine (HI-M)**

No above grade non-water dependent uses on this side of roadway except for public access and ecological restoration.

If shoreline stabilization is needed, apply nonstructural and "softest" effective measures. Locate as close as feasible to the roadway prism.

**Ediz Hook Shoreline designated HI-M**

Begins: On both the north and south shores of Ediz Hook, extension of western edge of parcel 06300000410. Approximately 135 feet east of the Ediz Hook radio towers.

Ends: eastern tip of Ediz Hook.

Figure 7 HI-M facing the Harbor
HI-M environment on Ediz Hook facing the Strait of Juan de Fuca

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 only for pedestrian and bicycle trail improvements and parking, provided impacts are mitigated. The road may be widened to a maximum of 40 feet. One rest stop, view point, or picnic area deck, up to 200 square feet in area may be constructed within the setback and VCA.

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 is required where shoreline stabilization is enlarged.

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

HI-M on Ediz Hook Facing the Port Angeles Harbor

1. Vegetation Conservation Area width and conditions: VCA extends from the OHWM to the furthest extent of the structural road foundation. The road may be widened only for pedestrian and bicycle trail improvements and public access parking, provided adverse impacts to shoreline functions are mitigated (see Chapter 3, Section 9 Parking). The road may be widened to a maximum of 40 feet. 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: Where on-site physical access is appropriate, the development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure useable access to and along the shoreline for the general public. At a minimum, a continuous public access pedestrian and bicycle trail must be maintained 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.
Shorelines Designated HI-M Facing the Port Angeles Harbor

Begins: Western edge of parcel 063000079620 (west boundary of the Boat Haven Marina)

Ends: Southern edge of 063000001035 (center line of Valley Street)

Figure 8. Section of HI-M facing the harbor.
1. **Vegetation Conservation Area width and conditions**: A minimum 50-foot width, measured from the OHWM, 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 minimum 50-foot setback measured from the OHWM for non-water-dependent uses. Water-dependent uses may extend into the setback as required to maintain the water dependent functions.

3. **Public access requirements**: Where on-site physical access is appropriate, the development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure useable access to and along the shoreline for the general public.

   Where public access is not appropriate along the shoreline, improvements to existing pedestrian/bicycle trails of equal or more dollar value may be substituted. Where public access is not appropriate along 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 only be allowed as necessary to support and protect 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**: In the HI-M designation only, 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. All development within the VCA and setback must minimize adverse impacts to ecological functions.
3. High-Intensity Urban Uplands (HI-UU) Environment

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 that are separated from the shoreline by a public right-of-way or public property and do not have direct access to the water.

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 are included in the HI-UU Environment. The High-intensity Urban Uplands is a parallel environmental designation that is upland of and has no physical connection to the water or beach areas.

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, segment K. The west edge of Cherry Street (extended north) is the eastern boundary of the HI-UU Environment, segment K.

2. Segment N. Areas east of Lincoln Street to the west boundary of the Rayonier site (Ennis Creek Reach). Privately owned parcels south of the Olympic Discovery/Waterfront Trail or south of the top of the marine bluff are included in the Urban Upland designation in segment N.

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 to public access points by incorporating appropriate shoreline management provisions (see Chapter 6, Definitions), as well as undertaking other measures such as street and pathway improvements. Shoreline management provisions should be included 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-UU

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

Segment K Valley Creek Estuary Reach.

Shorelines areas designated HI-UU

Segment K
Parcels 063000001315, 063000001325, 063000001310, 063000001300, and 063000001302, and Front Street, 1st/Front Alley, and Marine Drive right-of-way within 200 feet of OHWM.

Segment N

Begins: Northern edge of parcel 063000500100

Ends: Eastern edge of parcel 063000500412 and

Private properties above the top of the marine bluff Vine Street right-of-way to Chambers Street right-of-way

Figure 8. HI-UU east of Peabody Street to the west edge of the Rayonier site (Francis Street Reach), and HI-UU at Valley Creek Estuary.
1. **Vegetation Conservation Area width and conditions:**
   
a. Reach K. Area is physically and functionally separated from the shoreline and no VCA is required.

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. A 50-foot marine bluff buffer measured from the top of the bluff is required for all bluff top properties. Areas without environmentally sensitive areas shall meet setback requirements established in PAMC Title 17 for the underlying zone. All structures existing at the time of adoption of this SMP are considered pre-existing, nonconforming.

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

a. Purpose
The purpose of the High-Intensity Mixed-Use (HI-MU) Environment is to provide for public access and high-intensity water-oriented commercial, transportation, institutional, and recreational uses especially appropriate to downtown Port Angeles or other mixed-use sites.

b. Designation Criteria
A High-Intensity Mixed-Use Environment designation will be assigned to shorelands on Port Angeles’s downtown waterfront and portions of the former Rayonier Mill site west of Ennis Creek that currently support or are suitable and planned for a variety of high-intensity water-oriented uses related to commerce, transportation, navigation, or 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. Priority shall be given first to water-dependent uses then to water-related uses and water-enjoyment 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 enhance shoreline ecological functions to the greatest degree possible, with particular emphasis on habitat for priority species and environmental clean-up.

4. Visual access to the water 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 shoreline access points.

6. 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

Segment L. Downtown Waterfront

Existing structures and uses may remain. Public access dimensions may be reduced if the City determines there is public interest in the reduction or that another means of providing public access is more beneficial.

New shoreline stabilization only as needed to support a water oriented use.

Water oriented use required on ground floor facing the water.

Note: Public walkway is not required if it is not feasible due to conflicts with a water dependent use.

Downtown Waterfront

Begins: West edge of Cherry Street right-of-way extended north.
Ends: East edge of Vine Street right-of-way extended north.

Figure 9. Section of HI-MU downtown.
1. **Vegetation Conservation Area and structure setback width and conditions:** None.

2. **Public access requirements:** Where on-site physical access is appropriate, the development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure useable access to and along the shoreline for the general public. The Shoreline Administrator may allow for another means of providing public access if:

   i. providing such public access is not appropriate 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.)
Throughout this SMP’s public input 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. The following principles shall be used as guidance in reviewing proposals for the segment.

All proposed projects shall be reviewed with the intent of

1. Vegetation Conservation Area and structure setback width and conditions: The VCA shall be 100 feet wide measured from the OHWM to effectively protect and restore applicable shoreline ecological processes and functions. Development and significant vegetation removal is not allowed within the Vegetation Conservation Area.

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 set back 100 feet and separated from the marine shoreline OHWM with 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. Only 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 jurisdiction 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 undisturbed buffer, measured from the OHWM per PAMC 15.20.070(2).
5. Urban Conservancy-Low Intensity (UC-LI) Environment

a. **Purpose**
   The purpose of the Urban Conservancy-Low Intensity (UC-LI) Environment is to protect and restore ecological functions while allowing some low-impact uses.

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, 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 are non-consumptive (i.e., do not deplete over time) of the shoreline area’s physical and biological resources and uses that do not substantially degrade ecological functions or the natural character of the shoreline area.

   2. 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. Mitigation of existing degraded shoreline conditions, including habitat enhancement and environmental clean-up, is the preferred action.

   4. During development and redevelopment, all reasonable efforts should be taken to mitigate impacts to ecological functions. Mitigation should be required of all 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 structures during the projected lifetime of the development.

   7. Activities or uses that would remove shoreline vegetation, cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should not be allowed.
d. Environment-Specific Development Regulations

Segment A. Ocean View Reach
City Transfer Station and Ocean View Cemetery

Segment A. Ocean View Reach

Begins: City limits (western edge of parcel 073136330170)

Ends: East side of unopened "Q" Street right-of-way abutting the east end of Ocean View Cemetery extended. (east of parcel 063000108700)

This reach is entirely owned by the City of Port Angeles.

"Steep Slope" Slope steeper than 1 vertical to 1 horizontal and height greater than 10’
Armoring and bluff walls prohibited
VCA includes shoreline and cliffs
Repair of shoreline stabilization to protect utilities and former landfill may be permitted

Structure setback 200’ from OHWM unless a geotechnical analysis indicates that the building is safe from erosion for its life cycle (at least 75 years)
The regulations for wetlands apply and are found in Chapter 3., Section 6., Wetlands, and in PAMC Chapter 15.24.

Segment G. Wetlands Between Marine Drive and Hill Street

Begins: Extension of western edge of parcel 063000014089

Ends: Parcel 063000012524

Structural armoring is not permitted except to protect existing structures or as part of shoreline restoration. Restoration of shoreline edge is encourages.

200’ VCA and setback
Public access, nature viewing, restoration, art interpretive displays, roads, and utilities allowed in VCA/setback

OHWM
1. **Vegetation Conservation Area and structure setback:**
   a. **Segment A.** 200 feet measured from the OHWM, 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.
   
   b. **Segment G.** 100 feet measured from the OHWM. This is equal to the required 100 foot wetland buffer for a Category 3 wetland, per PAMC 15.24.

2. **Maximum structure height:** N/A No structures allowed within the UC-LI and associated VCA, marine bluff buffer area or wetland buffer.

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

4. **Public Access requirements:** Public view areas shall be provided as part of any new development. Due to the dynamic, high energy characteristics of the shoreline in Reach A, direct beach access is not required.

5. **Other standards:** All development or use proposals shall include a plan element that addresses mitigation of degraded shoreline conditions in the UC-LI environment.

*Portion of Ocean View reach designated UC-LI, showing armoring of industrial water line.*
6. Urban Conservancy-Recreation (UC-R) Environment

a. Purpose
The purpose of the Urban Conservancy-Recreation (UC-R) Environment is to protect and restore ecological functions in urban and developed settings and to provide public access and a variety of recreation and park uses.

b. Designation Criteria
An Urban Conservancy-Recreation Environment designation will be assigned to shorelands that include public parks, trail corridors, areas especially suited to public access and water-oriented recreation, ecological protection and enhancement. 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 are preferred over non-water-oriented uses. Water-dependent recreational uses should be given highest priority.

2. Water-dependent and water-enjoyment recreation facilities compatible with the protection of ecological functions, such as angling, wildlife viewing, trails and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.

3. During development and redevelopment, efforts should be taken to restore ecological functions.

4. 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

Segment D. Ediz Hook Reach

Begins: North and south shore of Ediz Hook, from eastern edge of DNR lease 29 (Tesoro Tank farm entry)

Ends: Extension of western edge of parcel 063000000410, approximately 135 feet east of radio tower enclosure fence.

Figure 10. Section of UC-R on Ediz Hook looking northeast.
Urban Conservancy-Recreation on Ediz Hook Facing the Strait of Juan de Fuca

1. Vegetation Conservation Area and structure setback width and conditions: The VCA and structure setback extends from the OHWM to the furthest extent of the structural road foundation. The road may be widened for public access or limited parking provided impacts to shoreline functions are mitigated.

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

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

4. Special shoreline stabilization requirements: Repair of existing shoreline stabilization measures is permitted. Environmental mitigation such as beach enhancement or large woody debris placement shall be required where 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 Port Angeles 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.

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 off-shore concrete structure was removed in 2012.](image-url)
Segment F. Shorelines Along the Lagoon
Designated UC-R

Segment F.

Begins: Line from lagoon to 275 ft west of lagoon. 100 feet due north of northern edges of parcels 063000102905 and 063000102900

Ends: Center line of K Street right-of-way (with the exception of parcels 063099002930, 063000102905, 063000102900, 063000014520, and 063000014575)

Figure 11. Section of UC-R along the lagoon.
1. **Vegetation Conservation Area and structure setback width and conditions:**
   VCA extends 200 feet from OHWM. Only public access trails, and utilities 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. Public access trail must follow the industrial water line route as closely as is feasible.

3. **Maximum height:** N/A. Structures (other than those required for utility purposes) are not permitted in this segment.

4. **Special shoreline stabilization requirements:** No shoreline stabilization is 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.
Shorelines facing the Valley Creek Estuary

Begins: East shore of Valley Creek estuary, east of Valley Street center line, excluding Marine Drive ROW.

Ends: West side of Cherry Street right-of-way (extended) north of Front Street

Figure 12. Section of UC-R in the harbor (Valley Creek Estuary Park).
1. Vegetation Conservation Area and structure setback width and conditions: The VCA extends from the OHWM to the Marine Drive Street edge. Existing structures associated with utilities and public access may remain and be improved within the VCA/setback. No other structures are permitted. Non-native plant materials may be used where horticultural conditions or special use requirements exist.

2. Public access requirements: Maintain the continuous public access pathway/pedestrian walkway that is the Olympic Discovery/Waterfront Trail.


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.
Shorelines from City Pier Park to Rayonier Property

Begins: East of City Pier Park, Vine Street ROW extended north.

Ends: Ennis Reach (former Rayonier Mill site).

Figure 13. Section of UC-R east of Peabody Street to the west edge of the Rayonier site.
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. Only utilities, 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: Structures in Segment N of the UC-R environment are only allowed in the Francis Street Park. The underlying Public Buildings and Parks PBP zoning height will determine structure height.

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. Eastern Reach UC-R and SR east of the Rayonier site.

Shoreline designated UC-R east of the Rayonier Site

Begins: Parcels and rights-of-way east of Ennis Creek center line.

Ends: Eastern limit of Urban Growth Area.

The UC-R designation extends from OHWM to top of marine bluff.

No bluff walls or bank stabilization

Olympic Discovery Trail

New or enlarged shoreline stabilization only as necessary to protect public access

50’ marine bluff buffer

No new enclosed structures within 200’ of OHWM unless a geotechnical analysis indicates that the building is safe from erosion for its life cycle (at least 75 years)
1. **Vegetation Conservation Area width and conditions:** The VCA extends from OHWM to top of bluff. No significant vegetation removal 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 removal of no more than one-half of any tree’s live crown over any 5-year period.

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:** 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
7. Shoreline Residential (SR) Environment

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

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.

c. Management Policies
1. Minimum lot 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, buffers, shoreline stabilization, vegetation conservation areas, 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 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

Segment B. West Bluffs Reach Designated SR

Shorelines designated SR west of Ediz Hook


Ends: Northern edge of parcel 063000940003 and northeastern edge of 063000102925

Figure 15. Section of SR west of Ediz Hook.
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.” New development shall be set back from the top of the marine bluff by a minimum of 65 feet (50 foot VCA/marine bluff buffer plus 15-foot building setback from VCA and bluff top buffer).

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

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 P. East Urban Growth Area Designated SR

Shorelines designated SR east of Rayonier Site

Begins: Private parcels east of Ennis Creek and above the top of the marine bluff.

Ends: Eastern Urban Growth Area limit (parcel 053008220020)

Sub-segment P. Lees Creek sub-reach

Begins: Western edge of parcel 063012581015

Ends: Eastern edge of parcel 063012640400

Figure 16. Section of UC-R and SR east of the Rayonier site.
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.” New development shall be set back from the top of the marine bluff by a minimum of 65 feet (50-foot marine bluff buffer/VCA plus 15-foot building setback).

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.

a. Purpose
The purpose of the Aquatic-Harbor (A-H) Environment is to facilitate water dependent uses and restoration of ecological functions 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 is 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, 2012.

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.

2. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use.

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. per WAC 197-11-768

6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

7. Development of underwater pipelines and cables below the OHWM should include adequate provisions to ensure against substantial damage to the environment.

8. 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.

10. The clean-up of waste materials and 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 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 submerged lands below OHWM which are Marine waters outside of Port Angeles Harbor but within the City's Shoreline jurisdiction. The City's Shoreline Jurisdiction extends north 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, new 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 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;
   - minimize adverse visual impacts, and;
   - 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 when upland alternatives exist. When permitted, such facilities should include
adequate provisions to ensure against substantial or irrevocable damage to the environment.

8. Abandoned and neglected structures should be removed or restored to a usable condition consistent with the provisions of this program.

Figure 17. Aquatic Harbor and Aquatic Conservancy Environments.
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 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.

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

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<tr>
<th>SHORELINE USE</th>
<th>High-Intensity-Industrial</th>
<th>High-Intensity-Marine</th>
<th>High-Intensity-Urban Uplands</th>
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<th>Urban Conservancy-Low Intensity</th>
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Footnotes:

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## Chapter 2 – Shoreline Environment Designations

### SHORELINE USE

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<td>X</td>
<td>C¹</td>
<td>X</td>
<td>C¹</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>NA</td>
</tr>
<tr>
<td>Roads, guideways</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Utilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities (primary)</td>
<td>P³</td>
<td>P³</td>
<td>P¹²</td>
<td>C³</td>
<td>C³</td>
<td>C³</td>
<td>C³</td>
<td>C³</td>
<td>C³</td>
</tr>
</tbody>
</table>

**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 zoning ordinance 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 water dependent 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. Aquatic log storage may be allowed in the AQ-H environment. 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. See PAMC Title 17.
2. Shoreline Modification Matrix

The following matrix (Table 2) is the shoreline modification matrix. The matrix indicates 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 this Chapter, the written provisions shall apply.

Table 2. Shoreline Modification Matrix

P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit
NA = Not applicable

<table>
<thead>
<tr>
<th>SHORELINE MODIFICATIONS</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>
<th>Shoreline Residential</th>
<th>Aquatic-Harbor</th>
<th>Aquatic-Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioengineering</td>
<td>C</td>
<td>C</td>
<td>NA</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P, 2, 4</td>
</tr>
<tr>
<td>Revetments</td>
<td>C</td>
<td>C</td>
<td>NA</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P, 2, 4</td>
</tr>
<tr>
<td>Bulkheads</td>
<td>C</td>
<td>C</td>
<td>NA</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>P</td>
<td>P, 2, 4</td>
</tr>
<tr>
<td>Breakwaters/jetties/rock weirs/groins</td>
<td>P</td>
<td>P</td>
<td>NA</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P, 2, 8, P</td>
</tr>
<tr>
<td>Dikes, levees</td>
<td>C</td>
<td>C</td>
<td>NA</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P, 2, 4</td>
<td>P, 2, 4</td>
</tr>
<tr>
<td>Bluff walls</td>
<td>X</td>
<td>X</td>
<td>C, 5</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Environmental restoration</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<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>
<td>NA</td>
</tr>
<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, 3</td>
<td>X</td>
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<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>P, 8</td>
<td>C, 8</td>
</tr>
<tr>
<td>Hazardous waste cleanup</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Fill</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C, 7, 8</td>
<td>C, 6, 7, 8</td>
<td>C, 5</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, 3</td>
<td>C, 3</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>P, 3</td>
<td>C, 3</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. Allowed in the aquatic environment only if allowed in the nearest upland environment.
2. Allowed only to the extent necessary for construction.
3. Private, non-commercial mooring piles and buoys are prohibited.
4. Modification may be allowed waterward of the OHWM if it enhances ecological functions.

5. 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.

6. Bluff walls and similar measures may be allowed to protect public roadways and utilities.

7. 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. Building Height Allowed by Shoreline Designation Summary. Standards are established in PAMC Title 17 Zoning, unless otherwise noted. If conflicts occur between this SMP and the Zoning Ordinance, the more restrictive will apply.

<table>
<thead>
<tr>
<th>Environment Designation</th>
<th>HI-I</th>
<th>HI-M(^1)</th>
<th>HI-UU</th>
<th>HI-MU</th>
<th>UC-LI</th>
<th>UC-R(^2)</th>
<th>SR</th>
<th>A-H</th>
<th>A-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum structure height allowed</td>
<td>75'</td>
<td>75(^1)</td>
<td>35'</td>
<td>45'</td>
<td>35'</td>
<td>35'</td>
<td>NA</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

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 not be administered in a manner that is inconsistent with constitutional and legal limitations.

a. Applicability

The following policies and regulations describe the requirements for all uses in all shoreline environment designations. Unless otherwise noted, shoreline stabilization actions require a conditional use permit.

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.

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 120)

2. The need to protect and restore shoreline ecological functions and to provide for water-dependent uses carries higher priority than protection of views.

c. Regulations

1. 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.
4. Shoreline uses and modifications listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline Conditional Use permit. See Chapter 5, Shoreline Use Provisions, for exemptions, variances, conditional uses, and nonconforming uses.

5. Permit applicants shall submit management plans for 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 and/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.

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 Washington State 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 a shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records), and shall comply with Chapters 25-46 and 25-48 WAC as well as federal historical preservation laws and the provisions of this chapter. RCW 90.58.030.

b. Policies

1. Due to the limited and irreplaceable nature of historical and archaeological resources, public or private uses, activities, and development should be prevented from adversely impacting any site having historical, cultural, scientific or educational value as identified by local or State 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 review the information 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, City planning staff or the authorized approval body may require conditions be added to the project permit in order to identify and protect 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 imposed on the project, all shoreline permits must contain provisions that require developers to immediately cease work and notify the City Planning Department if any items of possible archaeological interest are uncovered during excavations. In such cases, the developer 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 will ensure that any inadvertent archaeological discoveries are properly recorded, reported, and mitigated prior to the resumption of the disruptive process.

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 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 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. 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 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.

3. Critical Areas (General)

a. Applicability
   The following policies and regulations apply to all critical areas, as defined in the City of Port Angeles Environmentally Sensitive Areas Protection regulations Title 15 PAMC (most recently amended by ordinance #3367 dated September 15, 2009), that are located in the shoreline jurisdiction.

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 development.
   2. Locate and design development to minimize risks to people, property, and critical areas associated with geologically hazardous areas, frequently flooded areas, and tsunami zones.
   3. Provide a level of protection to shoreline-specific critical areas 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
   Environmentally sensitive areas in shoreline jurisdiction are regulated by the Port Angeles Environmentally Sensitive Areas Protection regulations, codified as Title 15, which is herein incorporated into this SMP by reference, except for the following exceptions noted below.
   1. If provisions of the Environmentally Sensitive Areas Protection regulations and other parts of the SMP conflict, the 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.
b. Provisions of the Environmentally Sensitive Areas regulations that include a “reasonable use determination” shall not apply within shoreline jurisdiction. Specifically, Sections 15.20.080.A.1, 3 and 6, and 15.24.070.E, as amended, do not apply.

c. 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.

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.

4. Critical Areas (Critical Saltwater Habitats)

   a. Applicability
      For the purposes of this SMP, critical saltwater habitat shall include the WAC 173-26 and the Washington State Department of Fish and Wildlife criteria. Those criteria include: 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”. Areas of Priority Habitat and Species have been identified in the Inventory, Analysis and Characterization section that accompanies this SMP.

   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. Developments within or adjacent to 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 the re-establishment of natural erosion and sediment transport processes.

4. Avoid adverse impacts to critical saltwater habitats by appropriately locating and designing developments.

5. Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, should not intrude into or be built over critical saltwater habitat unless the applicant can show that all of the following criteria can be met:
   a. The use preference listing in RCW 90.58.020 for uses in Shorelines of Statewide Significance shall be 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 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. An alternatives analysis shall be required for a non-exempt project proposed within critical saltwater habitats.
   c. The project is consistent with the state and local interests in resource protection and species recovery.
   d. Impacts to critical saltwater habitat functions are mitigated to result in equal or better ecological function.
   e. 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.
c. **Regulations**

1. Except as a habitat improvement or restoration measure, aquatic herbicide treatments, mechanical removal of vegetation, and aquatic pesticide treatments shall not be used on critical saltwater habitats.

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

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

4. Prior to construction, all overwater and near-shore development proposals shall conduct an inventory of 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 shall be developed only where existing information is inadequate or does not exist.

5. **Critical Areas (Geologically Hazardous Areas)**

   a. **Applicability**

   Geologically hazardous areas are areas susceptible to severe erosion, slide activity, or other geologic events. In the Port Angeles shoreline, high marine bluffs are the most visible type of geologically hazardous area, although seismic, tsunami, and erosion 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 with or adjacent to properties with 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, either on-site or to adjacent sites, 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 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 Chapter 15.20 PAMC (most recently amended by ordinance # 3367, dated August 15, 2009). Note that, in addition to the setbacks applied therein, vegetation preservation is required by SMP Chapter 3 Section 12 Vegetation Conservation.

Additional standards for marine bluffs (i.e., slopes greater than 45 degrees [1 vertical to 1 horizontal] that exceed a vertical height of 10 feet within the marine shorelines jurisdiction) are presented below.

1. Proposed development on a marine bluff located within the required 50-foot marine bluff buffer shall be prohibited. Development to provide public access (e.g., public trails, or view points), may be allowed, provided that all adverse impacts are mitigated and the development can be shown to be safe.

2. Applicants proposing development adjacent to a marine bluff with a slope greater than 45 degrees (1 vertical to 1 horizontal) and a height greater than 10 feet from the toe of the slope shall 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.

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 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.

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.

Consider on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;

Include a vegetation enhancement element 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.);

Consider the anticipated long term effects of sea level rise and the intensity and frequency of storms on the subject property; and

Address impacts to coastal geological processes anticipated from the construction of the shoreline stabilization structure.

Consider sediment movement to ensure that the measure does not interfere with fluvial, hydrological and/or geomorphological processes acting under natural conditions.

3. All habitable structures shall be set back from the top of the marine bluff so that the structure is not threatened by erosion for at least 75 years or the life of the building, whichever is longer.

Habitable structures shall be set back at least the minimum distance noted in Chapter 2. Section B., Environmental Designation Provisions.

4. 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, 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.

5. See Section 4.C.2 for limitations on shoreline stabilization measures.

6. Stair towers built over the marine bluff face to the shoreline are prohibited.

6. Critical Areas (Wetlands)

   a. Applicability

      1. 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 the Port Angeles Environmentally Sensitive Areas Protection regulations, codified as Title 15 Chapters 15.20 and 15.24 PAMC (most recently amended by ordinance 3367, dated August 15, 2009. 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 per Title 17 PAMC.

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

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 location of wetland edges, wetland size, and wetland category. 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 reduce the wetland's rating score;

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 may require permanent fencing along the outside perimeter of the wetland buffer.

c. Earth disturbing activities listed in Section 1 will 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 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. A wetland buffer zone consistent with the requirements of Chapter 15.24.065 PAMC 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 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).
b. 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.

c. 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 15.24.070 PAMC;

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.

d. For wetlands of exceptional resource value, 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.

2. Mitigation and Development.

a. Mitigation shall be as required in the City’s Wetland Protection Ordinance, Section 15.24.070 PAMC. 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 in as close a proximity to the impacted wetland as is feasible.

d. Except as noted in regulation 2.e. below, at a minimum, wetland acreage shall be replaced at a 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.

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.

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.

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; and

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

3. Buffers

a. Wetland buffers shall be established as required in Section 15.24.070 PAMC, 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.

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 developments, 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 the affected area;
   b. avoids disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes;
   c. minimizes interference with beneficial natural shoreline processes such as water circulation, sand and gravel movement, erosion, 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, other bank stabilization, landfills, levees, dikes, groins or substantial site regrades, and
   f. utilize effective erosion control methods during both project construction and operation.

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, per WAC 197-11-768:
   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, rehabilititating, 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.
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 15.24.070(6)(b)(iii) PAMC 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 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 correspondence between the impacted ecological functions and the restored functions that the fee will fund.

5. 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.

8. Parking
   a. Applicability

   Parking is the temporary storage of 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.

3. “Low impact development” techniques, such as, but not limited to permeable pavements, appropriate landscaping, and on-site infiltration areas, 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.

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.

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 to provide screening between the parking surface and the shoreline and/or abutting properties. Landscape screening between adjacent parking areas is not required. The plantings shall provide effective screening, at least 4 feet tall, within five years of project completion.

5. The project applicant shall submit a landscaping plan that includes the following information:
   - site layout, including utilities and irrigation systems;
   - size, number, and species of proposed plants;
   - provisions for plant establishment and maintenance i.e., planting technique, soil amendments, and irrigation methods;
   - 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, as well as localized climatic constraints;
   - Landscaping plans shall be based on City landscape standard and approved by the Shoreline Administrator.

6. 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.

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

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

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

a. Applicability

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

Public access proposals should be based on 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. Opportunities for public access should be included in all private and public development proposals with the exception of the following:
   a. One- and two-family dwelling units; or
   b. Where deemed inappropriate due to health, safety, security and/or environmental concerns.

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 shorelines. Public access 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. Natural elements such as logs, grass, shrubs, and elevation separations are encouraged as means to define the separation between public and private space.

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

7. Public access projects should include interpretive displays as part of publicly funded 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.

c. Regulations

1. 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 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. 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/or 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 will require compensatory measures.

3. The shoreline permit shall describe the public access impacts, required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of “mitigation” and “mitigation sequencing” in Chapter 3 Section 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 per requirements of 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.

8. Public access easements shall be recorded on the title and/or on the face of a plat. Recording of easements with the County Assessor’s Office shall occur at the time the use is approved and prior to commencement of the approved use. Proposed public access easements shall be submitted for review by the Shoreline Administrator 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 included in the planning and design of ecological restoration projects.

11. Signs that indicate the public’s right of access and hours of access shall be installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access per conditions 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. Public access facilities may be developed over water, provided that all significant ecological impacts are mitigated to achieve no net loss of ecological functions.

10. 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 will 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 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 and redevelop those areas where development already exists 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 uses.

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 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 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 throughout the entire Port Angeles shoreline.

f. Implement the recommendations of the Environmental Restoration Plan appended to this SMP.

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, whether the trail is within or outside of the shoreline jurisdiction if public access is a required part of a shoreline development.
   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 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.

11. 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 allowed 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.

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, interpretive signs, and warning signs.
   c. Off-premise, free-standing signs for public information or directional purposes.
   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 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.

12. 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 have the capacity to serve other users and are considered a 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 facilities, such as power generating and water treatment plants, including transmission lines and pipes, are covered in Section 5.C.10. as a primary shoreline use.

b. Policies

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

2. Accessory utilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. 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 utility transmission lines, pipelines, drain fields, and cables shall preferentially be placed outside of shoreline jurisdiction. When accessory utilities must be placed within shoreline jurisdiction, they shall be placed underground. Such lines shall utilize existing rights-of-way 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. 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 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.

5. 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.
13. 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. Such activities include clearing, grading, grubbing, pruning or removal of vegetation. These provisions also apply to 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 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.”

A “vegetation conservation area” (VCA) is an area where vegetation, especially native vegetation, is to be managed in order to protect and restore ecological functions. VCA’s are measured from the shoreline a specific width perpendicular to the shoreline.

The intent of a VCA is to prevent adverse impacts to vegetation that would diminish ecological functions. A VCA is different than a buffer or setback. Buffers are intended to protect the functions of environmentally sensitive areas and must remain undisturbed. Setbacks are specifically established to separate a structure from a property line or other established point.

RIPARIAN VEGETATION

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.

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.
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. Implementing policy #1 should be coordinated with the relevant provision of this SMP and other city plans and codes.

3. The removal of invasive or noxious weeds and replacement with native vegetation should be required 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.

4. New development, including clearing and grading, should minimize significant vegetation removal in shoreline jurisdiction to the greatest extent feasible.

c. Regulations

1. Vegetation removal (not including invasive/noxious weeds) is prohibited within VCAs along steep slopes, back beach areas, and dunes where such removal could exacerbate erosion. See Chapter 6 for the definition of “steep slopes.”

2. All development shall conform to the vegetation conservation provisions of Section 2.B, Environment-Specific Development Standards.

3. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that 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.

4. Applicants proposing development that includes vegetation removal, clearing, or grading within shoreline jurisdiction must provide a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading. The plan and application must indicate;

   - Justification for the proposed vegetation removal,
   - Clearing or grading 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 pruning of mature trees shall be limited to the removal of no more than 25% of the live crown of any individual tree over any 5-year period.
• Long-term vegetation management objectives.

5. Replanting 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., per WAC 197-11-768

7. Where replanting of shoreline vegetation is required by this SMP, the property owner must prepare a shoreline vegetation management plan. The shoreline vegetation management plan shall include:
   a. Long-term goals and objectives of the vegetation management plan.
   b. Plant list including a mixture of native trees, shrubs and groundcovers designed to improve habitat functions.
   c. Appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality; and
   d. A monitoring and maintenance program with conditions for replacement of plants that fail to survive and to meet the long-term vegetation objectives.

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 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.

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 (i.e., vegetation is diseased or has insect infestation, non-native invasive species) and is consistent with the goals of the Shoreline Management Act as stated in section 90.58.020 RCW.

10. Selective pruning of trees for safety and view protection is allowed, provided it is consistent with the most current version of 15.28.030(7) PAMC. The pruning of mature trees shall be limited to the removal of no more than 25% of the live crown of any individual tree over any 5-year period.
14. Water Quality and Quantity

a. Applicability
   
The following section applies to all development and uses in the 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 characteristics.

   Where used in this SMP, the term “water quantity” refers only to development and uses regulated under this chapter and affecting 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 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 developed in conjunction with this SMP.

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

   3. The City should require appropriate setbacks, buffers, stormwater management facilities and encourage low-impact development techniques and materials to achieve the objective of 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 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 development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP. Where conflicts occur, the most restrictive 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 those products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to label instructions by a Washington State licensed applicator.

5. 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.

6. All developments 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 increasing 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

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, apply to all shoreline modification activities. The general policies and provisions 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 regulations pertaining to each type of modification apply.

Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (shoreline use). (WAC 173-26-231(1)). Shoreline stabilization measures include structures such as sea walls, bulkheads, revetments, and breakwaters and also include non-structural measures such as setbacks and vegetation enhancement. Shoreline stabilization measures are addressed in section C.2 of this chapter.

Some shoreline modifications may be exempt from requiring 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. 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 or is exempt. No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption.

Shoreline modifications may be undertaken in emergency conditions to protect property from damage by the elements. WAC 173-27-040(1)(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.)

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

B. Policies and Regulations

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 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 mitigate adverse impacts or enhance 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. This is to be achieved by any of the following:
         • preventing unnecessary shoreline modifications,
         • giving preference to shoreline modifications that have a lesser impact on ecological functions, and
         • requiring mitigation of identified impacts resulting from shoreline modifications.
      4. The City should base shoreline modification decisions 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.
      5. Where ecological functions are impaired, those functions should be repaired and/or enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. 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 WAC 197-11-768 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 development shall be located and designed to prevent the need for shoreline modifications.

2. All shoreline modifications must be in support of a permitted shoreline use or to provide for human health and safety.

3. New development that would require shoreline stabilization which causes significant impact to adjacent or near-by properties and shoreline areas is prohibited.

4. 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”).

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

6. 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.

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

8. Mitigation for any adverse impact to ecological functions shall follow the standard mitigation sequence as stated in SMP Chapter 3, Section 7c.2. Mitigation sequencing per WAC 197-11-768

Permitting Requirements

10. In addition to the permit information required by WAC 173-26, the City shall require and consider the following information when reviewing shoreline modification proposals:

   a. Construction material 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.

2. Shoreline Stabilization

a. Applicability

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

- Structural measures include constructed elements and systems such as bulkheads, revetments, seawalls, and bioengineering 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 to existing stabilization measures for which repair or replacement is proposed.

Shoreline stabilization includes:

1. Bulkheads and vertical seawalls.

2. Revetments, breakwaters, rock weirs, and groins made of large boulders (riprap).

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

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 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 require mitigation of identified impacts resulting from shoreline modifications.

4. Impacts to sediment transport should be avoided or minimized.

c. Regulations

1. All shoreline modification proposals shall include a geotechnical report that meet the criteria listed in Chapter 3, Section 5, Regulation #2.

New Development

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

3. 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 currents, 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 farther 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.

4. New non-water dependent development that does not meet the above requirements or would cause adverse impacts to adjacent or down-current properties or ecological functions is prohibited.

5. New upland development near steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure. Setback distance shall be established to protect the development for a minimum of 75 years as based on a geotechnical report. No structure shall be located closer than 65 feet from the top of the marine bluff.

New or expanded shoreline stabilization measures

6. New structural and non-structural shoreline stabilization may be allowed and/or existing structural shoreline stabilization may be expanded only when one of more of the following criteria apply:
   - When necessary to protect or support a water-oriented use or an existing, lawfully established, primary structure, including a residence that is in imminent danger of loss or substantial damage from erosion caused by tidal action, currents, or waves.
   - as necessary for human safety,
   - for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW.
   - When necessary to protect public transportation infrastructure or essential public facilities, where non-structural shoreline stabilization options are infeasible.

7. 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 Chapter 4, Section 4, Fill, of this master program.

8. New or replacement structural shoreline stabilization measures are allowed on shorelines for necessary flood hazard reduction, provided that all feasible steps are taken to minimize adverse impacts to the natural environment.

9. Proposals for new or enlarged structural or non-structural shoreline stabilization are allowed when the proponent demonstrates, through a geotechnical report, all of the following:
a. the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes.

b. The erosion is not due to normal sloughing, erosion of steep bluffs, loss of vegetation or poor drainage

10. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c. 6 and 8 above, the size of stabilization measures shall be limited to the minimum necessary, as shown by geotechnical report required in regulation #1 of this section. 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.

11. Adverse impacts to shoreline functions shall be mitigated in accordance with the mitigation sequence defined in Chapter 3 Section 7.c.1., per WAC 197-11-768.

12. Vegetation conservation and enhancement, as described in Chapter 3 Section B.13, shall be included as part of all shoreline stabilization proposals. A vegetation enhancement/conservation plan shall include:
   a. A plant list consisting of native grasses, ground covers, shrubs, and trees in keeping with preexisting or typical naturally occurring bank vegetation.
   b. A monitoring and long-term maintenance plan, indicating that areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are well established.

13. 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.

14. Shoreline stabilization 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.

15. Following completion of any shoreline modification activity, all disturbed shoreline areas shall be restored to pre-project conditions to the greatest extent possible.

Replacement and Repair

16. Replacement structures shall be designed, located, sized, and constructed to minimize harm to ecological functions.

17. 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 infeasible. The demonstration of need or feasibility does not necessarily require a geotechnical report by a licensed geotechnical
engineer.

18. Replacement walls or bulkheads shall not encroach waterward of the OHWM. 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 any of the criteria of regulations 6, 8, and 9 above.

Design of Shoreline Stabilization

19. Shoreline stabilization design and development 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.

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

21. Materials:

a. Hard armor structures are not the preferred method of shoreline stabilization. Where hard structural shoreline measures are allowed according to regulations c. 6, or 8 above, the following are examples of acceptable materials for shoreline stabilization structures, listed in order of preference:

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;

v. Cast-in-place or pre-cast reinforced concrete and approved sheet piles.

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 meet best management practices established to
achieve a more natural sediment transport or accretion.

**Bulkheads**

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

23. 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.

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

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

26. Bulkheads are prohibited when their primary purpose is to:
   a. Retain or create dry land (unless this land is part of improvements specifically authorized by permit).
   b. Protect a platted lot where no structure presently exists.

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

28. 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 stabilization 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**

29. 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 material composition.

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.

30. 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. Standard mitigation sequencing shall be required of all projects proposing breakwaters, rock weirs, or groins.

Breakwaters, rock weirs, or groins shall not be permitted unless all adverse impacts are mitigated.

The beneficiaries and/or owners of large-scale works that substantially alter, reduce, or block littoral drift and/or cause new erosion of downdrift shores shall be required to establish and maintain an adequate long-term beach replenishment program.

31. Breakwaters shall be allowed for the following purposes only:

a. Legal navigation.

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

32. 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.

33. Jetties, rock weirs, and groins shall be allowed for the following purposes only:

a. Legal navigation.

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

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

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

37. 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**

38. New revetments shall be constructed and maintained so they do not reduce water quality or adversely impact fisheries habitat.

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

40. Revetments shall be designed to accommodate public access to publicly owned shorelines whenever possible.

41. 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.

42. Revetment siting and design shall use appropriate engineering principles, including guidelines of the U.S. Soil Conservation Service and the U.S. Army Corps of Engineers.
Bioengineering

43. 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 non-native plants allowed.

44. All bioengineering projects shall include a program for monitoring and maintenance designed to ensure a long-term, sustainable ecosystem.

45. The City may require and utilize the following information, in addition to the standard permit information required by WAC 173-14-110, 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

46. 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.)

3. Overwater Structures - Piers, Wharves, Docks, Floats, Pedestrian Walkways and Boating Facilities
   a. Applicability
      Overwater structures for moorage, boat-related, and other water-dependent uses or development, including 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 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 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 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 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 should be constructed of materials that will not adversely affect water quality or aquatic plants and animals.

6. Piers, wharves, and docks 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 single-family residences should not be allowed.

9. Multiple uses of overwater structures is encouraged.

c. **Regulations**

**General Regulations for Private and Public Over-water Structures**

1. See 3.B.4 Critical Salt Water Habitats for restrictions to overwater structures in critical areas.

2. All new, reconstructed, repaired, or modified overwater structures shall be allowed only in support of an allowed water-dependent use and must comply with all other regulations as stipulated by State and Federal agencies.

3. All moorage and other overwater structures shall be designed and located in a manner that avoids or minimizes:

   a. Hazards and obstructions to navigation, fishing, swimming and pleasure boating; and

   b. Shading of beach substrate below; and

   c. Impediments to longshore sediment transport and/or movement of fish and other aquatic species.

4. Only piers and gangways elevated above the water are permitted in the first 30 feet waterward of the OHWM. All floats, ells and fingers must 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 sediment solids.

5. The length, width, and height of piers, docks, or floats shall be no greater than that required for safety and practicality for the primary use. The shoreline administrator shall 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.

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 structures shall float at all times on the surface of the water or shall be of fixed-pile construction. Floating 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 be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for any portions of the dock, pier, float, framing, or decking that comes in contact with water shall be approved by Washington department of Fish and Wildlife or Department of Ecology for use in water. Use of wood members treated with toxic materials is not allowed in any new or reconditioned overwater structures. Tires are prohibited as part of overwater structures. All foam material must be completely encapsulated.

11. To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
   a. the width of docks, piers and floats shall be the minimum necessary to provide safe passage. Materials that will allow light to pass through the deck is required where width exceeds four (4) feet; and
   b. Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangplanks in nearshore areas.

12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area shall be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.
13. See covered moorage provisions in Chapter 5 Section B.3: Boating Facilities.

14. If a 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.

15. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish of the structure itself shall be generally non-reflective.

16. New private piers or docks serving 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**

18. 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 that are not serving a demonstrated commercial or navigational need are prohibited.

19. Installation of new mooring buoys or relocation of existing buoys shall not impede navigation.

20. The use of buoys for moorage of vessels is preferred over piling or float structures.

21. Mooring buoys shall be located in a manner that minimizes impacts to eelgrass and other important ecological functions.

22. All new mooring buoy and pile installations must follow guidelines of the Department of Fish and Wildlife.

23. Mooring buoys in the Aquatic Harbor environment are limited to no more than four per acre (USACOE ESA limitation)

**Special Facilities on Overwater Structures**

24. 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.

25. Bulk storage of petroleum products for any use or purpose is prohibited on piers, wharves, and docks. Bulk storage means non-portable storage in fixed tanks.
26. 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.

27. Spill cleanup facilities shall be available for prompt response and application at all piers, wharves, and docks involved in oil and hazardous products transfer.

4. Fill

a. Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, 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 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 and natural resource systems. Fill is only appropriate to use to alter currents, drainage, channel migration, etc, when it is done as part of an approved ecological restoration 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 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. (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. 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, shellfish, aquatic vegetation and/or wildlife habitat.
   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 and/or dredge 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 shall be reviewed as a permitted use and does not require a shoreline conditional use permit.

5. Dredging and Dredge Materials 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 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, 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 minimize interference with ecological processes and functions, navigation, and adverse impacts to other shoreline uses, properties, and values.

2. New 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.

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.

d. Regulations

General

1. Dredging and/or 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 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.
2. Proposals for dredging and/or dredged material disposal 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, depletion of dissolved oxygen, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.

3. Dredging and/or dredged material disposal shall not occur in wetlands, except for a shoreline restoration project authorized by the Department of Ecology and the US Army Corp of Engineers and approved by Conditional Use permit.

4. Dredging and/or dredged material disposal shall be carefully scheduled to protect biological productivity (e.g. fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.

5. Dredging and/or 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 into the water column.

7. 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 project;
   d. To improve water quality;
   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;
   f. To clean up contaminated sediments;
   g. To maintain existing docks, wharves, water intakes, and culverts; 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.

9. New dredging activity is prohibited in critical saltwater habitats.

10. Dredging for the primary purpose of obtaining material for upland fill is prohibited.

11. New dredging activity 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 is allowed by Conditional Use permit only.

12. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

13. 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.

14. Applications for shoreline dredging and dredged material disposal 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 and procedures, schedule, frequency, hours of operation, 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 and 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

15. 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.

16. Disposal, if allowed in water, shall utilize techniques which cause the least dispersal and broadcast of materials unless specifically designed and approved as a dispersal site.

17. Use of dredged materials for beach enhancement shall be conducted so that:
   a. Erosion or deposition downstream from the disposal site is minimized. Erosion of the dredged material shall not smother marsh or other shallow productive areas.
   b. To the extent possible, the volume and frequency of dredged material disposal maintains a stable beach profile. Dredged material shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish.

18. 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;
   c. 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 be considered fill and shall comply with the fill provisions in this master program.

19. Nearshore or upland disposal of dredged materials shall not be located upon, adversely affect, or diminish:
a. Estuaries, wetlands, or significant plant communities;
b. Water quality, quantity and drainage characteristics; and
c. Public access to shorelines and water bodies.

20. 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.

21. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this SMP.

22. 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.

23. Dredged material disposal in PSDDA sites may be approved if in accordance with this SMP and other applicable regulations.

WHEN RESTORATION MOVES THE ORDINARY HIGH WATER MARK

Where ecological restoration moves the Ordinary High Water Mark (OHWM) landward, it could result in additional uplands being placed under shoreline jurisdiction because normally the shoreline jurisdiction extends 200’ from the OHWM as it exists on the site. This section allows local governments to grant relief to property owners whose lands fall under shoreline jurisdiction due to an ecological restoration project that moves the OHWM landward.

In order not to disadvantage shoreline property owners who wish to restore their shorelines, the Washington State Legislature passed Washington State House Bill 2199 Chapter 405, 2009 Laws. Under this provision, as codified in RCW 90.58.580, there is a procedure to lessen the regulatory constraints on a property that is brought within shoreline jurisdiction because of a shoreline restoration project that results in the OHWM moving landward.

6. Shoreline Restoration

a. Applicability

“Shoreline restoration” or “ecological restoration” is the significant re-establishment or improvement of shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not necessarily mean returning the shoreline area to aboriginal or pre-European settlement condition. The materials used are dependent on the intended use of the
restored shoreline area. The Shoreline Restoration Plan which accompanies this SMP recommends ecological restoration+ measures and identifies opportunities for restoration

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.

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 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 must 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. 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. See sidebar above.

7. Dikes and Levees  
   a. Applicability  
     Dikes and levees are manmade embankments created for the purpose of flood control, water impoundment projects, or settling basins.  
   b. Policies  
     1. Dikes and levees should be constructed or reconstructed only as part of a
comprehensive flood hazard reduction program.

2. Dike and levee improvements should include environmental enhancement measures and, where feasible, public access 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, federal levee criteria, and in consideration of other resource agency recommendations.

2. Dikes and levees shall protect the natural processes and resource values associated with marine shorelines, streams, and deltas, including, but not limited to, 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 or meander zone, except for current deflectors necessary for protection of bridges and roads.

5. Public access to shorelines should be an integral component of all levee projects. Public access shall be provided in accordance with public access policies and regulations contained herein. 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 natural streams, wetlands, and drainages.

7. 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

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 proposed shoreline 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 shoreline conditional use permit. The City's Shoreline Administrator shall impose conditions on all shoreline permits to ensure that the proposed 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.
4. Developments that include a mix of water-oriented and non-water-oriented uses may be allowed provided the non-water-oriented uses functionally support, are subordinate to and compatible with the water-oriented uses and otherwise comply with the provisions of this SMP.

2. Aquaculture

a. Applicability

Aquaculture is the farming or culturing of food fish, shellfish, or other aquatic plants and animals in streams, inlets, estuaries, and other natural or artificial water bodies for commercial purposes. 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 on State-owned lands.

Aquaculture activities include 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 necessary equipment, buildings and growing areas. 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 industrial uses, such as, final processing, packaging, and freezing, and commercial uses such as wholesale and retail sales.

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 quality of water and performance of other ecological functions, as well as navigation, public access, tribal fishing activities, and visual considerations, are all more consistent with public objectives than the expansion of aquaculture activities.

2. Consideration should be given to both the possible positive impacts and the possible adverse impacts aquacultural might have on the 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 environmental and visual impacts are preferred. Projects that involve little or no substrate modification are preferred 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, shellfish beds, and areas with public access should be protected from impacts resulting from aquaculture activities. Aquaculture should not be permitted where it would significantly interfere with navigation or other water-dependent activities.

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 interests to determine the suitability of proposed locations and aquaculture type for each specific proposal.

8. Aquaculture projects should locate in areas where biophysical conditions, such as tidal flow, currents, water temperature and depth, will minimize adverse environmental impacts. Individual projects should be separated by a sufficient distance 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.

c. Regulations

1. Applicants shall include in their applications all information 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, hormones 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, unloading and processing of the product.
   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 may be required 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 and how interference with surrounding uses from lights and noise will be minimized.

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

l. Number, types, and dimensions of structures, apparatus, or equipment.

m. Potential impacts to animals, plants, and water quality due to the discharge of waste water from any upland development.

n. 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.

o. Department of Health (DOH) Shellfish Certification Number.

p. Department of Fish and Wildlife (DFW) commercial aquatic farm or non-commercial, personal consumption designation.

q. Proof of application for any permits required by the U.S. Army Corps of Engineers, DFW, DOH, or other agency.

r. Other pertinent information deemed necessary by the City.

2. The location of floating and submerged aquaculture structures shall not:

a. restrict navigation to or along the shoreline,

b. interfere with general navigation lanes and boating traffic,

c. interfere with Tribal "usual and accustomed fishing locations".

Floating structures 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 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 permit.

4. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for processing or storage of products and parking lots) shall be located inland of the ordinary high water mark, upland of water dependent portions of the project and shall minimize detrimental impacts to the shoreline. All structures and equipment 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 structure constitutes 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 abandoned or unsafe structure if the owner fails to respond in thirty days 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.

5. Aquacultural wastes 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.

6. Aquacultural 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); provided that fish net-pens and projects involving substantial substrate modification shall be located 1,500 feet or more from such areas. Lesser distances may only be allowed through a shoreline variance permit. Greater distances may be required if supported by the reviewing resource agencies.

7. Predator control shall not involve the killing or abusive harassment of birds or mammals. Control methods shall comply with federal and state regulations.

8. When a shoreline permit is issued for a new aquaculture use, 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.

9. A new permit is required when:
   a. The physical extent of the facility or farm is expanded by more than twenty-five percent (25%) 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 thereto. If the amount of expansion or change in cultivation method exceeds twenty-five percent (25%) in any ten (10) year period, the entire operation shall be considered new aquaculture and shall be subject to applicable permit requirements of this section; or
   b. The facility proposes to cultivate a species that was not included in the original permit.
   c. The facility proposes to cultivate species not previously cultivated within Port Angeles jurisdictional waters.
   d. There is the introduction of new chemicals not previously approved.
10. 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.

11. 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.

12. Aquaculture projects shall be sited so that there will be no significant adverse impacts to critical saltwater habitats, including existing red/brown macro algae (kelp), and eelgrass beds.

13. Aquaculture projects that require attaching structures to the bed or bottomlands shall use anchors that minimize disturbance to substrate.

14. Aquaculture projects shall avoid use of chemicals and fertilizers except when allowed by state and federal law.

15. Genetically modified organisms are prohibited from use in the Port Angeles Harbor.

16. Non-navigational directional lighting associated with aquaculture use is not permitted.

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.

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide extended moorage for yachts, commercial or research vessels, and small pleasure craft. For regulatory purposes, community moorage facilities, yacht club facilities, and camp or resort moorage areas would also be reviewed as 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 fill), depending on the location.

Boat launch facilities, supplies and services for small commercial and/or pleasure craft and operators are often associated with marinas and are considered accessory to the marina use when they are subordinate in size and scale to the primary use. Other accessory uses found in marinas and boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, vessel repair services, bait and tackle shops,
potable water, waste disposal, administration and maintenance structures, parking, eateries, grocery and dry good sales.

There are uses and 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.

b. Policies

1. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views.

2. Boating facilities should be located in areas of low biological productivity and outside fish migration routes to the greatest extent possible. 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 remain in current locations and be properly maintained.

5. New marina facilities and improvements to existing marinas should be designed to include public access to and enjoyment of the shoreline, i.e., walkways, viewpoints, restroom facilities, and other recreational uses, according to the scale of the facility.

c. Regulations

1. 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 use of fill materials; 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 adversely 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 occur, (See Chapter 3, Section B.4, Critical Salt Water Habitats.)

4. The City’s Shoreline Administrator shall require ecological mitigation 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:
   a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
   b. Minimize interference with sediment transport or other coastal processes and disruption of existing shoreline ecological functions.
   c. Minimize the adverse impacts of shading the water surface by 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 and limiting floats in the nearshore area;
      iii. Incorporate grated decking that allows light penetration;
      iv. Other design measures.

6. Moorage of floating homes (house boats) is prohibited. Up to 10% of the slips of an established marina may be occupied by live-aboards (boats with people living on them 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 total moorage slips, whichever is larger. Live-aboard regulations are to provide increased security and on-site human presence.

7. All marinas will include measures for sewage pump-out and disposal. Location of boat waste disposal facilities (pump-outs, dump stations and toilets) shall be considered on an individual basis with consultation with state and local Departments of Health, Ecology and Parks as needed.

8. The City shall require and utilize the following information in its review of marina proposals:
   a. Existing natural shoreline and backshore features and uses.
   b. 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 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 anticipated demand created for shoreline and water uses including public access, recreation, and views.

h. Design of the facilities, including sewage disposal, water quality and invasive species transfer controls (e.g., wash down facilities), overwater shading of marine flora, provisions for the prevention and control of fuel spillage, storm water management, and a landscaping plan.

9. Accessory uses at marinas or public launch ramps shall be limited to those which are water-dependent, water-related or water-enjoyment or that provide a necessary function that supports marina activities (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 identified commercial or recreational fishing areas or shellfish collection areas unless the City determines there is no suitable alternative.

11. Marinas and launch ramps shall not locate at or along significant littoral drift sectors, feeder bluffs, accretion beaches, points, spits and hooks, wetlands and lagoons, estuaries or significant fish and shellfish spawning and rearing areas.

12. The perimeter of 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.

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.

12. Public access, both visual and physical, shall be an integral part of all marina development and design and be consistent in scale and intensity with the particular proposal and must include the following:

   a. Marinas and public launch ramps shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous and the public use of the waters below the ordinary high water mark is not unduly impaired.

   b. Covered moorage in marinas shall not be constructed where visual access from public access areas and/or significant numbers of residences is blocked.

The need to protect and restore ecological functions carries higher priority than protection of views.

13. Upland facilities shall be designed and managed in compliance with storm water best management practices as outlined in the Port Angeles Urban Services and Standards Guidelines manual in order to minimize or prevent negative impacts to water quality. Impervious surfaces should be minimized.
14. To the maximum extent possible, marinas and accessory uses shall share parking facilities, with marina usage given preference.

**Utilities (Accessory to a boating facility)**

15. Public boat launch facilities shall provide and maintain rest rooms or portable toilets. Marinas shall also provide dump stations for boaters. All marinas with over 20 moorage slips shall provide and maintain rest rooms and showers for boaters' use. They shall be located within 200 feet from the dock or pier; there shall be 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.

16. Pipes, plumbing, wires and cables at marina sites shall be placed at or below ground and dock levels.

**Management and Operations**

17. Marinas shall have facilities, equipment and posted procedures for the containment, recovery and mitigation of spilled petroleum, sewage and/or toxic products and debris from maintenance and repair practices.

18. 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 shall include separate receptacles for waste oil and other potentially hazardous or toxic waste.

19. The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes. Adequate fire protection shall be required as per the City adopted Fire Code.

**Boat Launches**

20. Public launch ramps shall, where feasible, be located only on stable shorelines where:

   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.

21. Ramps shall be placed and kept near flush with the foreshore slope to minimize the interruption of shoreline processes.
Covered Moorage

22. Covered moorage is prohibited in the downtown reach between Cherry Street (extended) and Vine Street (extended) and on the UC-R and HI-M portions of the Ediz Hook shoreline.

23. Marina developers shall provide a detailed plan for covered moorage development before permits are granted. Such a plan must indicate:
   a. covered moorage location, size and general design;
   b. impact on shoreline views in the marina and from adjacent private and public properties; 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.

24. The maximum height for covered moorage is 20 feet above the extreme high tide level.

Mooring Buoys

25. Mooring buoys shall be located as close to the shore as possible but outside 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.B.3.c.18 through .23.)

26. Buoys must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for night time visibility.

27. Mooring buoys shall be clearly marked with the owner's name, contact information, and permit number(s).

28. The installation and use of mooring buoys shall be consistent with all applicable state laws 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.

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 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, Utilities (accessory), and Solid Waste Disposal.

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 should be limited to those which are water-oriented as defined herein. Non-water-oriented development is strongly discouraged; however, when permitted, it should not displace water-oriented development in shoreline areas.

2. 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 developments will be permitted only where they are either separated from the shoreline by a public trail or street right-of-way or where all three (3) 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 development does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
   c. The proposed development will be of appreciable public benefit by increasing ecological functions together with public use of or access to the shoreline.

2. Commercial development shall be designed to avoid or minimize and mitigate ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline’s visual
qualities. The City may prescribe operation intensity and screening standards as the administrator deems appropriate, based on appropriate studies.

3. All new water-related and water-enjoyment commercial development shall be conditioned with the requirement for mitigation of adversely effected ecological functions and public access unless such measures are demonstrated to be not feasible. (See definition of “feasible.”)

All new commercial development proposals will be reviewed by the City’s Shoreline Administrator for mitigation of lost ecological function and public access requirements consistent with Chapter 3, Section B.9, Public Access. When mitigation or public access plans indicate opportunities exist, 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.

The City’s Shoreline Administrator will consult the provisions of the Restoration Plan in this SMP and determine the applicability and extent of mitigation required for lost ecological function and/or public access required. Ecological mitigation shall follow the mitigation sequencing of WAC 197-11-768 and listed in Chapter 3, Section 7 of this SMP. The extent of ecological mitigation shall be that which is commensurate with the specific impacts of the commercial development.

4. All commercial loading and service areas shall be located or screened to minimize visual impacts to the shoreline. Parking and service areas shall be screened 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 distances appropriate for the planned tree species. 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 non-water-oriented commercial development located adjacent to the Olympic Discovery/Waterfront Trail shall provide a minimum 10-foot-wide landscaped strip between the building and the trail. The landscaping shall include
   - shrubs that will grow to at least 3 feet high within two years of planting,
   - ground cover plants that will cover the planting area within at least two years,
   - Trees are required where there is sufficient room.
   - A sight-obscuring fence is not required.
   - The City Shoreline Administrator may modify these landscaping requirements to account for legitimate safety and security concerns.

6. Commercial development and accessory uses must conform to the setback standards for the underlying land use zone established in the most current version of PAMC Title 17.
7. The City shall require and utilize the following information in its review of commercial 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 specific components;
   b. Need for shoreline location;
   c. Special considerations proposed to enhance 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 enhancements for physical and visual public access to the shoreline (both public and private space) and other considerations which address the goals and policies of the SMP.

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. Non-water-dependent commercial developments are prohibited over water unless the use is part of a mixed-use development that is primarily a 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.

5. Industry
   a. Applicability

   Industrial developments and uses are facilities for processing, manufacturing, and storing of goods. Included in industry are such activities as:
   • log storage (upland), 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.

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.

Uses that are accessory or related to water-oriented industrial use 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 allowed, provided that they meet the provisions of this master program and public access improvements and/or ecological mitigation is included as part of the improvements.

b. Policies

1. Regional and state-wide needs for industrial facilities should be carefully considered in reviewing new proposals as well as in allocating shorelines for such development. Such reviews or allocations should be coordinated with the Port of Port Angeles.

2. Expansion or redevelopment of existing legally established industrial areas, facilities and services with the possibility of incorporating mixed-use development should be encouraged over the addition and/or location of new or single-purpose industrial 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 to shorelines and visual access to facilities to mitigate adverse impacts and address preferred use policies whenever possible and when such access does not cause significant interference with operations or hazards to life and property.

5. Dry land log storage is preferred over in-water log storage.
6. New industrial developments, including redevelopment of or additions to existing industrial facilities, should include ecological mitigation as part of the project.

c. Regulations

1. Proposed industrial developments or major expansions shall be consistent with Port Angeles Harbor Management Plan, or, if not, be accompanied by a feasibility or use analysis acceptable to the City.

2. Only water-dependent and water-related industries shall be permitted in the shoreline jurisdiction as primary uses.

3. Existing industrial development on shorelines which is neither water-dependent nor water-related may be permitted as a conditional use to expand inland from existing structures but not parallel to or waterward toward the OHWM. 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 areas outside of the 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 will establish the time period allowed for temporary storage.

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 limited to portions of the shoreline designated HI-I or HI-M and to harbor areas adjacent to HI-I or HI-M designated uplands.

7. At new or expanded port and/or industrial developments, the best available facilities, 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 those spills that do occur.

8. Display and exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface and to reduce light pollution into the night sky and residential areas to the extent feasible.

9. All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment and public access facilities. Parking and service areas shall be visually buffered from views by a 10-foot wide strip of evergreen trees and shrubs. The plantings must conform to the City's criteria of preferred plant materials and meet the City's standards for planting and maintenance.
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.

11. Low Impact Development (LID) techniques shall be incorporated where appropriate.

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. Stormwater standards in the City of Port Angeles Urban Services Standards and Guidelines, Chapter 5, Storm Water shall be adhered to.

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. Buffers shall be a minimum of 10 feet in width and 6 feet in height within five (5) years of planting. Plant composition shall be designed to protect shorelines and other properties from visual impacts, minimize erosion and protect water quality. Buffer area soils shall be designed to provide adequate soil volume to support the plantings. Buffers shall not be used for storage of industrial equipment or materials, parking, or for waste disposal, but may be used for outdoor recreation 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. For all log storage proposals, it shall be demonstrated that State water quality standards and/or criteria will not be violated by runoff under any conditions of flow leaving the site and entering into nearby water courses. If such demonstration is not possible, treatment facilities for runoff shall be provided, meeting city, state, and federal standards.

16. Offshore log storage shall be located only in areas designated by the City in consultation with the Washington State Department of Natural Resources.

17. Log storage shall only be permitted where log handling activities are not a hindrance to other beneficial water uses such as navigation.

18. Log storage shall only be permitted where natural tidal or current flushing and water circulation are optimal to disperse polluting wastes or in public waters where water quality standards can be met at all times.

19. 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 BMP approved as part of Washington State Department of Natural Resources harbor area lease agreements.
20. Positive bark and wood debris control, collection and disposal 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.

21. Log dumps shall not be located in waters where bark and debris controls cannot be effectively provided.

22. Logs shall not be dumped, stored or rafted where they will rest on the bedlands at low tide.

23. To avoid impacts to new areas, new log booming and storage facilities will be preferentially located in areas where the activity has historically occurred unless such a location causes greater impacts.

24. New log booming and storage facilities must be located waterward of the nearshore (photic zone), to avoid and minimize impacts to nearshore and shoreline areas.

25. 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 a conservation priority.

26. Operators must implement measures to prevent chains and ropes on anchorage, mooring, and containment boom systems from dragging on the bottom. Measures include, but are not limited to, the use of embedded anchors and midline floats.

6. Governmental and Institutional Uses

a. Applicability

Governmental uses including military, Homeland Security, and agency research facilities that have a specific need for water access are considered water dependent. Institutional uses such as schools or museums that have an association with a specific waterfront site or water-dependent activity are considered water-oriented 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 and institutional uses in shoreline areas where there is sufficient support and access.

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 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, (a water-dependent use) by implementing objectives central to Shoreline Management Act policies.

c. Regulations

1. Development of governmental, public, or institutional facilities 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 government and institutional facilities shall be located and designed to prevent or minimize ecological impacts and need for shoreline stabilization measures.

3. Service and parking areas shall be located outside of the shoreline jurisdiction and landscaped to minimize adverse visual impacts from the shoreline and public property. (See, also, Section 3.B.8.c.3.)

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 activities such as hiking, photography, viewing, fishing/shellfishing, boating, swimming, bicycling, picnicking, and playing. 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 could 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, but may contain recreational elements.

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.

See also provisions in Section 3.B.9, “Public Access.”

b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all locally adopted park, recreation, and open space plans, especially the City of Port Angeles Comprehensive

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 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 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 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. Safety improvements and recreational enhancements to the Olympic Discovery/Waterfront Trail 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.

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.

9. Improvements should be made to the City Pier Park and Hollywood Beach shorelines.

10. Recreational opportunities that are consistent with ecological restoration should be encouraged on Ediz Hook and on the Rayonier site.

11. A wildlife viewing area near Marine Drive overlooking the lagoon at the base of Ediz Hook should be pursued.

12. 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.

13. 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. A system of coordinated interpretive displays should be developed.

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 C, “Shoreline Use and Development Standard Matrices.” In accordance with this matrix and other provisions of this SMP, non-water-oriented recreational developments may be permitted only where it 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, surrounding land uses, physical features, or the site’s separation from the water.

   b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.

   c. The proposed use and development will 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.

3. 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 shall 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 mitigate ecological impacts and provide public shoreline access. The City’s Shoreline Administrator shall consult the provisions of this SMP and the Restoration Plan to determine the applicability and extent of ecological restoration and public access required.

4. Non-water-oriented structures, such as 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.

8. Residential Development

a. Applicability

Residential development means buildings, structures, lots, or parcels which are designed for and used to provide a place of abode. Single-family residences, duplexes, floating homes, multi-family residences, mobile home parks, residential subdivisions and short subdivisions, and residential planned unit developments are included as residential development. Accessory structures normally associated with residential uses, such as garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages are also included as residential development. 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 buffers.

2. The overall density of development, lot coverage, and height of structures 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.

3. Recognizing the single-purpose, irreversible, and space-consumptive nature of shoreline residential development, new development should provide adequate buffers and building setbacks from the water to provide space for 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. Adequate provisions should be made for protection of groundwater supplies, erosion control, storm water drainage systems, 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 a 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 should be designed and located so that shoreline armoring will not be necessary to protect the structure. 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 development shall not be approved where shoreline stabilization measures, bluff walls, or bulkheading will be required to protect residential structures, lots, or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works for the life of the development.

2. New residential structures and appurtenant structures shall be prohibited overwater or floating on the water.

3. All shoreline 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.

4. Accessory uses and structures in the shoreline jurisdiction shall be subordinate in size and purpose to and compatible with primary on-site uses and structures.

5. 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 buffer, 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 cause flood or geological hazard to itself or other properties.

6. New residential development located above the marine bluff shall observe the 50-foot marine bluff buffer per PAMC 15.20.070(B)(2) where no development is allowed. A 15-foot setback from the buffer edge is
required for structures. Legal structures existing within the setbacks at the time of adoption of this SMP are considered "conforming."

7. Storm water runoff from all new development and redevelopment within the City of Port Angeles will be controlled according to the most recent version of the City's Urban Services Standards and Guidelines.

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, bikeways, trails, guideways, airports, ferry terminals, heliports, public transit facilities, and other related facilities. Parking areas are reviewed separately from other transportation facilities.

Various transport facilities can impact the shoreline across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to new transportation facilities and changes to any existing transportation facilities.

Transportation access to Port Angeles’s shorelines is important for emergency vehicle access, movement of freight and industrial materials, access to shoreline uses, waterfront sites, and to recreational and public access attractions.

For much of the Port Angeles industrial and commercial waterfront, vehicular access is adequate to meet current needs. Transportation planning in Port Angeles also is concerned with truck traffic in the downtown area. Much of the downtown is not located within the shoreline jurisdiction, however, there are ongoing issues surrounding trucks passing through downtown to industrial uses and truck traffic to and from the Coho Ferry terminal.

The Olympic Discovery/Waterfront Trail provides excellent pedestrian access to much of the Port Angeles shoreline. However, portions of the city’s shoreline is not accessible due to either environmental conditions or uses that conflict with public access.

The Waterfront and Transportation Improvement Plan (WTIP) is developed to improve existing downtown access to the waterfront, through the creation of a raised pedestrian walkway adjacent to the shoreline. The Olympic Discovery/Waterfront Trail will be located closer to the shoreline where existing hard armoring will be removed to create new beach areas. Other segments of the trail located outside of the shoreline jurisdiction are planned to be relocated closer to the shoreline as well.

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 provide the
necessary access to and within shoreline areas while protecting the shoreline ecology.

b. Policies

1. Circulation system planning on shorelands should include systems for pedestrian, bicycle, and public transportation as well as other modes. Circulation planning 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 and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline. Roadway improvements should include provision 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. Development of all new and expanded transportation facilities in shoreline jurisdiction should be consistent with the City’s comprehensive plan and applicable capital improvement plans including the current edition of the Harbor Resources Management Plan.

c. Regulations

General

1. All development of new and expanded transportation facilities shall 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 cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that 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.

2. The following regulation applies to shoreline road ends:

   RCW 37.79.035 and RCW 35.87.130 prohibit 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 boat moorage or launching site or for a park,
viewpoint, recreation, education, or other public purposes. (See RCW legal procedures to vacate streets.)

Location

3. New non-water-dependent transportation facilities shall be located outside the shoreline jurisdiction, if 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.

4. New 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, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level. 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/).

5. Roads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed to meet the 100-year storm flows 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).

6. Transportation facilities are prohibited in:
   a. Hazardous areas (including buffers) 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

7. In the design and construction of otherwise permitted roads, 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 plant survival is established. The revegetation plans shall be as approved by the City’s Shoreline Administrator based on the Shoreline Restoration Plan and City landscape standards. Landscape design should provide opportunities to enjoy views of the water or other points of interest.

8. Development of new and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the City’s Shoreline Administrator based on current
pedestrian and bicycle trail plans and the Harbor Resources Management Plan. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the SMP.

9. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies to the greatest extent possible.

10. Fill for development of transportation facilities is prohibited in water bodies and wetlands; except, such fill may be permitted as a Conditional Use when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.

11. Development of new and expanded transportation facilities shall not diminish but may modify public access to the shoreline.

12. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native vegetation immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained by the agency responsible for the facility.

13. Mitigation of ecological functions adversely impacted by the development shall be a condition of all transportation development. The Shoreline Administrator shall consult the Restoration Plan accompanying this SMP to establish the type of mitigation required.

Air Transportation
14. Aircraft facilities in support of US Coast Guard activities are a permitted use in the HI-M environment.

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, 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 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.

2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
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 be located outside of shoreline jurisdiction, if feasible.

c. Regulations

1. All utility facilities shall be located outside of the shoreline jurisdiction to the greatest degree possible. Utility facilities 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. The City's Shoreline Administrator may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts.

2. Utility production and processing facilities, such as power 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. Unavoidable impacts shall be mitigated using the approved mitigation sequencing. Energy recovery from waste products associated with a nearby water-oriented shoreline facility 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. Utilities shall be located in rights-of-way and/or utility easements. New or expanded utilities installed on Ediz Hook shall be underground.

4. Development of pipelines and cables located in shoreline areas that cause significant ecological impacts shall not be allowed unless the Shoreline Administrator determines that no other feasible option exists. When permitted, those facilities shall include adequate provisions to mitigate significant adverse impacts and to protect the facility against damage from environmental conditions that may result in significant ecological impacts.

5. Mitigation of impacted ecological functions shall be a condition of new and expanded utility facilities.

The City’s Shoreline Administrator will consult the Restoration Plan accompanying this SMP and determine the applicability and extent of ecological mitigation required. The extent of ecological mitigation 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. Such uses 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.

7. New solid waste disposal sites and facilities are prohibited in the shoreline jurisdiction. Existing solid waste disposal and transfer facilities located in the shoreline jurisdiction shall not be added to or substantially reconstructed other than 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 create fewer shoreline impacts. Existing above ground lines shall be moved underground during normal replacement processes.

9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

10. 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.

11. 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, automatic shut-off valves shall be provided on both sides of the water body.

12. Filling and dredging in shoreline jurisdiction for development of utility facility or line 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.

13. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall at minimum be restored to their pre-project condition.

14. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction, except in support of a water-dependent use, such as the U.S. Coast Guard installation.

15. Utilities that require stream 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 stream crossing. Where geologic conditions are unsuitable for placing utilities underground, stream crossings shall utilize pier or open pile techniques.

16. Water outfalls are a permitted use when designed and constructed according to 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 sufficiently 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.

18. 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).
CHAPTER 6
Definitions

Accessory use. Any structure or use incidental and subordinate to a primary 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 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 which is necessarily connected to the use and enjoyment of a primary use. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and limited grading (less than two hundred fifty cubic yards). An appurtenance 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.

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 approved pre-development topography of a parcel 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 and wind currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of returning a waterfront area to a state more closely resembling a natural beach. Methods may include removal of shoreline armoring, grading, addition of beach materials, vegetation, drift sills and other nonintrusive means as applicable.

Beach nourishment. Describes a process by which sediment (usually sand) lost through longshore drift or erosion is replaced from sources outside of the eroding beach.

Berm. A linear mound or series of mounds constructed to screen an adjacent activity from view or 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; water-moorage; boat launch ramps; covered moorage; boat houses; and mooring buoys.

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. "Buffer" means an undisturbed area adjacent to an environmentally sensitive area (See definition of Environmentally Sensitive Area below) that is required to permanently remain in an undisturbed and untouched condition, protect or enhance the environmentally sensitive area and is considered part of the environmentally sensitive area. A buffer is different than a setback or vegetation conservation area.

Building height. See definition in PAMC 17.08.045, as amended. For overwater structures, height shall be measured from the ordinary high water mark.

Building setback. An area in which structures 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 or as a maritime navigational aid providing a platform for light, bells, horns or radio beacons and occasionally scientific data gathering equipment.

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 covers, shrubs or trees, which may or may not including 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, 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. A use, development, or substantial development that is not specifically classified within the SMP is treated as a Conditional Use.

**Covered moorage.** A structure used for boat moorage, with or without walls, that has a roof to protect the vessel.

**Critical areas regulations.** Refers to regulations governing those areas listed in the city's Environmentally Sensitive Areas Protection ordinance, codified as 15.20.030(D) PAMC (most recently amended by Ordinance 3367, dated August 15, 2009).

**Current deflector.** See shoreline modification.

**Department of Ecology.** 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 of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(a).)

**Development regulations.** The controls placed on development or land uses by the City of Port Angeles, including, but not limited to, zoning ordinances, 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 on a fixed platform or float on the water.

**Dredging.** Excavation or displacement of the bottom or shoreline of a water body.

**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 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 and biological 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 application, review and approval process. 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

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Chapter 6 – Definitions  

Page 157
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. (RCW 90.58.030(3eiii).)

Enhancement. 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. Those areas within Port Angeles that includes any of the following areas and their associated buffers as described in Title 15.20.030 PAMC, most recently amended by ordinance 3367, dated August 15, 2009.

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 forces of wind or water.

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 provisions 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(3e); WAC 173-27-040.) (See also “development” and “substantial development.”)

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, or when studies or tests have demonstrated 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 use.

In cases where these regulations require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's feasibility, the City 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. 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.** 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 engineer who is knowledgeable about the regional and local shoreline geology and
processes.

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 existing contour of the land.

Grassy swale. A vegetated drainage channel that is designed to remove sediments and various
pollutants from storm water runoff through settling and biofiltration. Vegetation may be more
than grass.

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. A residential structure constructed on a floating foundation or barge intended for
year-round, permanent occupancy. Also know as floating homes.

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
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.

Littoral. Related to, living on, or occurring on, the marine shore.

Littoral drift. The movement of mud, sand, or gravel material parallel to the shoreline in the
nearshore zone caused by waves and currents.

Low impact development (LID) technique. A stormwater 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 boat moorage 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 supplies and services for small commercial and/or pleasure craft may be associated with marinas.

**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 (per WAC 197-11-768).

- (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.

**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 occur or could have occurred naturally on the site.

**Nearshore.** The estuarine/delta, marine shoreline and areas of shallow water from the OHWM to the water at a depth of about 10 meters relative to Mean Lower Low Water. (This is the average depth limit of light penetration i.e., photic zone). 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 which was lawfully constructed or established prior to the effective date of this SMP, which no longer conforms to the applicable shoreline provisions.

**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.)

**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. (RCW 90.58.030(2)(b)). The City of Port Angeles has designated 7 feet above sea level as the OHWM for mapping purposes.

**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(1d).)

**Pier element.** Sections of a pier including the pier walkway, the pier float, the ell, etc.

**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 (including removal of invasive, nonnative vegetation), removal of intrusive shoreline structures, and removal or treatment of toxic sediments. 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.** A required minimum open space distance between a building or structure and a specified feature such as the OHWM or a lot line. Setback distances are measured horizontally upland from and perpendicular to the ordinary high water mark, unless otherwise stated.

**Shall.** A mandate; the action must be done.

**Shorelands.** All lands within Shoreline Management Act jurisdiction lying upland or higher in elevation of the OHWM.

**Shoreline 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 include: High-Intensity-Industrial (HI-I), High-Intensity-Marine (HI-M), High-Intensity-Mixed-Use (HI-MU), High-Intensity-Urban Uplands (HI-
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 an anchorage from the effects of weather and longshore drift.
- **Bulkhead** is a retaining wall. 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. 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) 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 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 slope, 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. 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 built from an ocean shore (in coastal engineering) that interrupts water flow and limits the movement of sediment. In the ocean, groins 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, variance permit, or letter of exemption, or any combination thereof for work done within the shoreline jurisdiction and meeting or exceeding the State established dollar value threshold.

**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, removal of invasive weeds, revegetation with native plant material, 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.

**Shoreline sub-unit.** 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.
**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 of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of shoreline master programs, rules, regulations, guidelines or designations 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.

**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, not including tree topping, where no more than 25% of the live crown is removed over any 5-year period and ecological functions are not reduced, 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.** That which is built or constructed, a building of any kind or any piece of work composed of parts joined together in some definite manner.

**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). The criteria for substantial development is reviewed and adjusted by the Department of Ecology every 5 years. See also definition of “development” and “exemption”.

**Substantially degrade.** 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 an area of the shoreline that has distinct beginning points and end points defined by parcel lines 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.

**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. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, provision of water, sewer, electricity, telecommunications, and natural gas services and stormwater management facilities.

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 but 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.

Vegetation Conservation Area (VCA). An area measured from the OHWM reserved to protect or enhance native vegetation. See Chapter 3, Section 13 for a more complete description of a Vegetation Conservation Area. A VCA differs from a buffer or setback but may overlay either a buffer or a setback.

Vessel. Ships, boats, barges, or any other water craft designed and used for navigation.

Visual Access. The ability to see the shoreline or water areas. Visual access may occur in areas with or without improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

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 the shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.

**Water quantity.** 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.** 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 soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not included 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 intentionally 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. Per RCW 36.70A.030 (21)

**Wetland category.** Defined in Chapter 15.24. section 040(D) PAMC.

**Wetland delineation.** Identification of a wetland boundary pursuant to the Wetland Delineation Manual as defined and described in Chapter 15.24 PAMC.

**Wetlands rating system.** Defined in Chapter 15.24 PAMC.

**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.
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CHAPTER 7
Administrative Provisions

A. Administrative Authority and Responsibility

All proposed uses and developments occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program.

1. Shoreline Administrator

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. 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 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;

h. Collect applicable fees;

i. Determine that application submittals are substantially complete;

j. Make field inspections as necessary;

k. 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 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 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. Forward any decision on any permit application to the Washington State Department of Ecology for filing or action.

2. Port Angeles Planning Commission

The Port Angeles Planning Commission (Commission), is vested with authority to:

a. Consider shoreline substantial development permits, conditional use permits, and variance permits.

b. Approve, approve with conditions, or deny shoreline substantial development permits, variance permits and conditional use permits after considering the findings and recommendations of the Administrator; provided that the Commission’s decisions may be further appealed to the City Council or to State Shorelines Hearings Board as provided for in the Act.

c. 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.

d. Conduct public hearings.

e. Base all decisions on shoreline permits on the criteria established in this master program.

f. Require, at the discretion of the Commission, 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.

g. 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.
      2. Review and act upon any recommendations of the Administrator and/or City Planning Commission for amendments to or revisions of the program. 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 RCW 90.58.190 and Chapter 173-19 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.

   "Substantial development" shall mean any development of which the total cost or fair market value exceeds $6,416 (may be adjusted for inflation every five 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 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 definition of emergency; Chapter 6, page X)
   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.

2. Statement of Exemption

For projects which are located within shoreline jurisdiction but which do not require a shoreline 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 permit official shall attach shoreline master program requirements and conditions to the building permit or other permit pursuant to RCW 90.58.140. For example, a building permit for a single-family residence can be conditioned with provisions from the master program.

C. Conditional Use Permits

1. Conditional Shoreline Development Permits

The Shoreline Administrator or otherwise authorized designee shall have the authority to make findings, conclusions, and recommendations, and the Planning Commission shall have the authority to hear and grant, in appropriate cases and subject to appropriate conditions and safeguards, conditional shoreline development permits as authorized by Chapter 15.08.040 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 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.

Notice of public hearings shall be published in the same manner as provided in the Port Angeles Municipal Code.
2. Conditional Shoreline 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. 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 use 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 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 a of this section, 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. All Shoreline Conditional Use Permits issued by the City must be submitted to the Department of Ecology for its approval or disapproval.

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 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.
In the event of failure to comply with the plans approved by the City or with any conditions imposed upon the conditional 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 17 PAMC and a public nuisance.

D. Variances

1. Variances – Generally
The Shoreline Administrator shall have authority to act upon and the Planning Commission shall have authority to grant variances 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 Section 3.70 PAMC. All variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval.

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 properties 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. 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 may be authorized provided:
   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 may be authorized provided the applicant can demonstrate all of the criteria specified in Subsection b of this section 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. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

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 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 Section 3.70 PAMC payable at the time of the application.

b. 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.

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. 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 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.

3. The Planning Commission 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, the City will send a notice of decision to Department of Ecology per Section 18.02.070(F) PAMC.

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 activities shall commence or, the use or activity shall commence within two years of the effective date of a substantial development permit. Local government 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.

   c. Authorization to conduct construction activities will terminate five years after the effective date of a substantial development permit. Local government 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.

   d. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (b) and (c) of this section 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. Appeal to State Shorelines Hearings Board

Any person aggrieved by the granting, denying, rescission, or modification of a Shoreline Permit may seek review from the State Shorelines Hearings Board by filing an original and one copy of an appeal request for the same with the Hearings Board within 14 days of receipt of the final decision. 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)

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 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.
F. Nonconforming Uses and Development

Nonconforming development is a shoreline use or structure 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 Development
   a. Nonconforming development may be continued provided it is not enlarged, intensified, increased, or altered in any way that increases its nonconformity.
   b. A nonconforming development that is moved any distance must be brought into conformance with the master program and the Act.
   c. If a nonconforming development 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 is completed within one year of the date of damage. Reconstruction will require obtaining standard building permit prior to construction.
   d. If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any 2-year period, 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.
   e. 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 division which was established prior to the effective date of the act and 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, relating to shoreline management provisions in this SMP.
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 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 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 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 service, the person incurring the penalty may apply 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. Any penalty imposed 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.

g. 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.

h. 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 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 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 penalty 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 Penalty Levels**

a. The minimum penalty for all violations with mandatory penalties is two hundred and fifty dollars ($250.00).

b. For all other penalties, the minimum penalty is one hundred dollars ($100.00).
6. General Criminal Penalty
In addition to incurring civil liability under Section 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 thousand dollars ($1,000.00).

7. Violator Liabilities - Damages, Attorney’s Fees/Costs.
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
If the City or Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption.
APPENDICES: UNDER SEPARATE COVER
INVENTORY, CHARACTERIZATION, AND ANALYSIS
CUMULATIVE IMPACTS ANALYSIS
SHORELINE RESTORATION PLAN