

Port Angeles Shoreline Master Program



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CITY OF PORT ANGELES

SHORELINE MASTER PROGRAM

The Port Angeles Shoreline Master Program was developed through an extensive public process under the guidance of the Harbor Planning Committee (HPC). The Committee consisted of representatives from the City, Clallam County, Lower Elwha Klallam Tribe, Port of Port Angeles, United States Coast Guard, Department of Natural Resources, Department of Ecology (ex-officio), and the Puget Sound Partnership (ex-officio). The HPC also served as the advisory committee for this SMP.

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ORIGINAL ADOPTING ORDINANCE NO. 2869
MAY 23, 1995

2014 UPDATED VERSION
ADOPTED BY ORDINANCE NO. 3514
OCTOBER 21, 2014

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	THIS REPORT WAS FUNDED IN PART THROUGH A GRANT FROM THE WASHINGTON DEPARTMENT OF ECOLOGY. GRANT NUMBER G1000051

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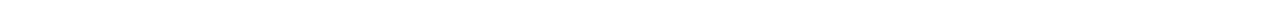


Table of Contents

Table of Contents	i
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	5
E. How the Shoreline Master Program is Used	6
1. Administration	6
2. Relationship of this Shoreline Master Program to Other Plans and Regulations	7
Chapter 2 Environment Designation Provisions and Regulations	9
A. Introduction	9
B. Environment Descriptions and Specific Development Standards.....	10
1. High-Intensity Industrial (HI-I) Environment (Segments C, H and I).....	10
a. Purpose	10
b. Designation Criteria	10
c. Management Policies	10
d. Environment-Specific Development Regulations	11
2. High-Intensity Marine (HI-M) Environment (Segments E and J)	14
a. Purpose	14
b. Designation Criteria	15
c. Management Policies	15
d. Environment-Specific Development Regulations	16
3. High-Intensity Urban Uplands (HI-UU) Environment (Segments K, M and N).....	17
a. Purpose	17
b. Designation Criteria	18
c. Management Policies	19
d. Environment-Specific Development Regulations	19
4. High-Intensity Mixed-Use (HI-MU) Environment (Segments L and O)	19
a. Purpose	19
b. Designation Criteria	20
c. Management Policies	20
d. Environment-Specific Development Regulations	20
5. Urban Conservancy-Low Intensity (UC-LI) Environment (Segments A and G)	23
a. Purpose	23
b. Designation Criteria	23
c. Management Policies	23
d. Environment-Specific Development Regulations	24
6. Urban Conservancy-Recreation (UC-R) Environment (Segments D, F, K, M, N and P)	25
a. Purpose	25

b.	Designation Criteria	25
c.	Management Policies	25
d.	Environment-Specific Development Regulations Designated UC-R.....	25
7.	Shoreline Residential (SR) Environment (Segments B, F, N and P).....	28
a.	Purpose	28
b.	Designation Criteria	29
c.	Management Policies	29
d.	Environment-Specific Development Regulations Designated SR.....	29
8.	Aquatic-Harbor (A-H) Environment	31
a.	Purpose	31
b.	Designation Criteria	31
c.	Management Policies	31
9.	Aquatic-Conservancy (A-C) Environment.....	32
a.	Purpose	32
b.	Designation Criteria	32
c.	Management Policies	32
C.	Shoreline Use and Modification Matrices	33
1.	Shoreline Use Matrix.....	33
2.	Shoreline Modification Matrix	36
Chapter 3	General Policies and Regulations.....	40
1.	Generally Applicable Policies and Regulations	40
a.	Applicability.....	40
b.	Policies	40
c.	Regulations.....	40
2.	Archaeological and Historical Resources and Sites	42
a.	Applicability.....	42
b.	Policies	42
c.	Regulations.....	43
3.	Critical Areas (General).....	44
a.	Applicability.....	44
b.	Policies	44
c.	Regulations.....	45
4.	Critical Areas (Critical Saltwater Habitats and Habitat Areas for Priority Species and Species of Concern).....	45
a.	Applicability.....	45
b.	Policies	46
c.	Regulations.....	46
5.	Critical Areas (Geologically Hazardous Areas).....	48
a.	Applicability.....	48
b.	Policies	48
c.	Regulations.....	49
6.	Critical Areas (Wetlands)	50
a.	Applicability.....	50
b.	Policies	50
c.	Regulations.....	51
7.	Parking	54
a.	Applicability.....	54
b.	Policies	54
c.	Regulations.....	55
8.	Public Access	55
a.	Applicability.....	55
b.	Policies	55

c. Regulations.....	57
9. Shorelines of Statewide Significance	58
a. Applicability.....	58
b. Policies	59
10. Signage	60
a. Applicability.....	60
b. Policies	60
c. Regulations.....	61
11. Utilities (Accessory)	62
a. Applicability.....	62
b. Policies	62
c. Regulations.....	62
12. Vegetation Conservation.....	63
a. Applicability.....	63
b. Policies	64
c. Regulations.....	64
13. Water Quality and Quantity	67
a. Applicability.....	67
b. Policies	67
c. Regulations.....	68
Chapter 4 Shoreline Modification Provisions.....	69
A. Introduction and Applicability.....	69
B. Policies and Regulations.....	70
1. General Policies and Regulations	70
a. Applicability.....	70
b. Policies	70
c. Regulations.....	71
2. Shoreline Stabilization	72
a. Applicability.....	72
b. Policies	73
c. Regulations.....	73
3. Overwater Structures	78
a. Applicability.....	78
b. Policies	78
c. Regulations.....	79
4. Fill.....	82
a. Applicability.....	82
b. Policies	82
c. Regulations.....	83
5. Dredging and Disposal.....	84
a. Applicability.....	84
b. Exemptions	84
c. Policies	84
d. Regulations.....	85
6. Shoreline Restoration	86
a. Applicability.....	86
b. Policies	86
c. Regulations.....	87
7. Dikes and Levees	88
a. Applicability.....	88
b. Policies	88
c. Regulations.....	88

Chapter 5	Shoreline Use Provisions	91
A.	Introduction	91
B.	Shoreline Use Policies and Regulations	91
1.	General Policies and Regulations	91
a.	Applicability.....	91
b.	Policies	91
c.	Regulations.....	91
2.	Aquaculture.....	92
a.	Applicability.....	92
b.	Policies	92
c.	Regulations.....	93
3.	Boating Facilities.....	96
a.	Applicability.....	96
b.	Policies	97
c.	Regulations.....	97
4.	Commercial Development.....	101
a.	Applicability.....	101
b.	Policies	102
c.	Regulations.....	102
5.	Industry.....	104
a.	Applicability.....	104
b.	Policies	104
c.	Regulations.....	105
6.	Governmental, Educational, Cultural and Institutional Uses	108
a.	Applicability.....	108
b.	Policies	108
c.	Regulations.....	108
7.	Recreational Development.....	108
a.	Applicability.....	108
b.	Policies	109
c.	Regulations.....	110
8.	Residential Development	110
a.	Applicability.....	110
b.	Policies	111
c.	Regulations.....	112
9.	Transportation.....	112
a.	Applicability.....	112
b.	Policies	113
c.	Regulations.....	113
10.	Utilities (Primary).....	115
a.	Applicability.....	115
b.	Policies	115
c.	Regulations.....	116
Chapter 6	Definitions.....	119
Chapter 7	Administrative Provisions.....	135

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 fostering uses unique to or dependent upon use of the state's shoreline and by allowing development that provides an opportunity for the people to enjoy the shorelines of the state.

The SMA has three broad policies:

- Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines...."
- Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."
- Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the waters of the state and their aquatic life...."

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

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

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

The State Shoreline Management Act (SMA) provides a broad policy framework for protecting the shoreline environment. The Shoreline Master Program Guidelines adopted by rule in 2003 (WAC 173-26) establish the "no net loss" principle as the means of implementing that framework. The no-net-loss standard is designed to

ensure permitted development will not result in a net loss of shoreline ecological functions. This means that the existing condition of shoreline ecological functions needs to remain the same, and should even be improved as a result of restoration, as the updated SMP is implemented over time. This standard is to be met by appropriately regulating public and private development, implementing a Restoration Plan, and improving practices that affect the shoreline.

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

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

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

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

The City of Port Angeles Shoreline Master Program (SMP) is a planning document that outlines goals and policies for the shorelines of the City and the City's Urban Growth Area (UGA), and also a regulatory code that establishes regulations for development occurring in "shoreline jurisdiction", generally including within two hundred feet of the shoreline. During the preparation of the SMP, the planning team developed several supporting documents that provided information necessary to complete the SMP and satisfy state requirements.

These include:

- Shoreline Inventory, Characterization, and Analysis Report for City of Port Angeles Shoreline: Strait of Juan de Fuca, September 23, 2010 (revised June 2012)
- Cumulative Impacts Analysis;
- Restoration Plan (included as an appendix to the SMP); and
- No Net Loss Report.

C. Geographic Applications of the SMA

As defined by the SMA, shoreline jurisdiction encompasses all "shorelines of the state". Shorelines of the state include both "shorelines" and "shorelines of statewide significance". In Port Angeles, regulated shorelines include marine

waters of the Port Angeles Harbor, the Strait of Juan de Fuca (north to the international boundary) and tidally influenced portions of Valley, Tumwater, Peabody and Ennis Creeks. This includes water areas and their associated 'shorelands', which is generally the area within 200 feet landward of the ordinary high water mark (OHWM) and associated wetlands and river deltas (**Figure 1**).

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

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

1. Applicable Area

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

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



Figure 1. Port Angeles shoreline jurisdiction includes all shoreline areas from western City limits to Morse Creek western bluff top, and extends north to the International

D. Process to Develop this SMP

1. Coordination with other Shoreline Planning and Development Activities

This SMP was prepared concurrently with the Port Angeles Harbor Resources Management Plan (HRMP). The HRMP is a comprehensive and strategic plan that addresses overlapping geographic areas, goals, and components of Harbor planning. It is intended to fill in data gaps and recommends a cohesive strategy for Harbor improvement that integrates the many environmental management, planning and development efforts on Port Angeles's shorelines including: Port Angeles Shoreline Inventory, Characterization and Analysis Report, the Port Angeles Shoreline Master Program (SMP), the Waterfront and Transportation Improvement Plan (WTIP), City of Port Angeles' Comprehensive Plan and Draft Comprehensive Park Plan, Olympic Discovery Trail planning, Rayonier site planning, Ennis Creek Restoration Plan, the Port of Port Angeles' Marine Facilities Master Plan and Central Waterfront Master Plan, 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 key stakeholders. These elements provide direction for the City of Port Angeles' capital improvement program as well as the Port of Port Angeles, local Tribal entities (Lower Elwha Klallam, Jamestown S'Klallam, and Port Gamble S'Klallam), and private sector investment. The regulations contained within the SMP will align with the HRMP vision and support its implementation as well as SMA objectives.

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

2. The Public Participation Process

The SMP and the HRMP were developed through an extensive public process under the guidance of the Harbor Planning Committee (HPC). Throughout the process, the HPC met monthly to review progress and offer expert guidance. The Committee consisted of representatives from the City,

Clallam County, Lower Elwha Klallam Tribe, Port of Port Angeles, United States Coast Guard, Department of Natural Resources, Department of Ecology (ex-officio), and the Puget Sound Partnership (ex-officio). The HPC also served as the advisory committee for this SMP.

In June 2010, the City initiated the project with a community visioning open house kick-off that was attended by over 100 attendees. The City offered an online survey to gather input on goals and priorities and received 270 responses. In August, the City hosted three focus groups centered on 1) environment 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. In February 2011, the team presented the key provisions of the draft SMP at a third public open house. The public's responses to the draft SMP provisions were generally positive and provided guidance to the HPC team for completing the ecology submittal draft during the spring of 2011.

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

3. Shoreline Goals

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

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 the UGA, and also establishes regulations for development occurring within shoreline jurisdiction within the City limits. All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW (the Shoreline Management Act) and this Master Program.

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

The Port Angeles Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. Based upon the statewide policies of RCW 90.58 and local conditions, the Port Angeles Shoreline Master Program provides the regulatory parameters within which development may occur. In addition, it identifies those uses deemed unacceptable within Port Angeles shoreline jurisdiction, as well as those uses which may be considered through a discretionary permit such as a Conditional Use Permit or Shoreline Variance.

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

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

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

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

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Port Angeles SMP must be mutually consistent with local plans and policy documents, specifically, the Port Angeles Comprehensive Plan and the regulations developed by the City to implement its plans, such as zoning code and subdivision code, as well as building construction and safety requirements.

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

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

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 that plan.

CHAPTER 2

Environment Designation Provisions and Regulations

A. Introduction

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

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

Environment designations are also a way to facilitate consistency between comprehensive planning and shoreline master program provisions. By establishing specific policies and regulations for each environment designation, local jurisdictions can give preference to specific uses, provide for public access, and apply ecological protection measures most appropriate for specific shoreline segments.

The environment designations in Port Angeles’ SMP were based on 1) the WAC guidelines, 2) the shoreline inventory, characterization and analysis, 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 useful in addressing the variety of conditions found on Port Angeles’ shorelines.

In order to further address the complexity of the city’s shorelines, specific development standards for distinct reaches or “segments” within the environment designations may be included for each environmental designation. Shoreline segments and the corresponding shoreline environment designation are depicted on **Figure 1** in **Appendix A**.

Section B of this Chapter describes the purpose, designation criteria, management policies and specific development standards for each environment designation as well as the geographic area to which they apply. Purpose statements are intended to describe

the shoreline management objectives of the designation. Designation criteria provide the basis for classifying or reclassifying a specific shoreline area with that designation. Management policies are integral to determining land uses and activities that can take place within each shoreline environment and in assisting in the interpretation of the environment designation regulations.

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

In the event of a mapping error, the City will rely on common boundary descriptions and the criteria contained in RCW 90.58.030 (2) rather than an incorrect or outdated map. Shoreline areas above the OHWM that are not mapped or assigned an environment designation in this SMP shall be classified with an Urban Conservancy – Recreation (UC-R) environment until the shoreline can be redesignated through an SMP amendment.

Note: The Ordinary High Water Mark (OHWM) indicated on all maps is based on the elevation line of 7 feet above sea level NADV 88. The OHWM must be determined in the field based on the criteria of RCW 90.58.030(2)(c).

B. Environment Descriptions and Specific Development Standards

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

a. Purpose

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

b. Designation Criteria

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

c. Management Policies

1. In regulating uses in the High-Intensity Industrial Environment, first priority should be given to water-dependent industrial uses. Second priority should be given to water-related industrial uses. Non-water-oriented uses should not be allowed except for 1) as part of mixed-use developments that combine water-dependent and non-water-oriented uses or 2) in existing developed

areas in support of water-dependent uses. Non-water-oriented uses may also be allowed in limited situations on sites where there is no direct access to a shoreline with navigable waters.

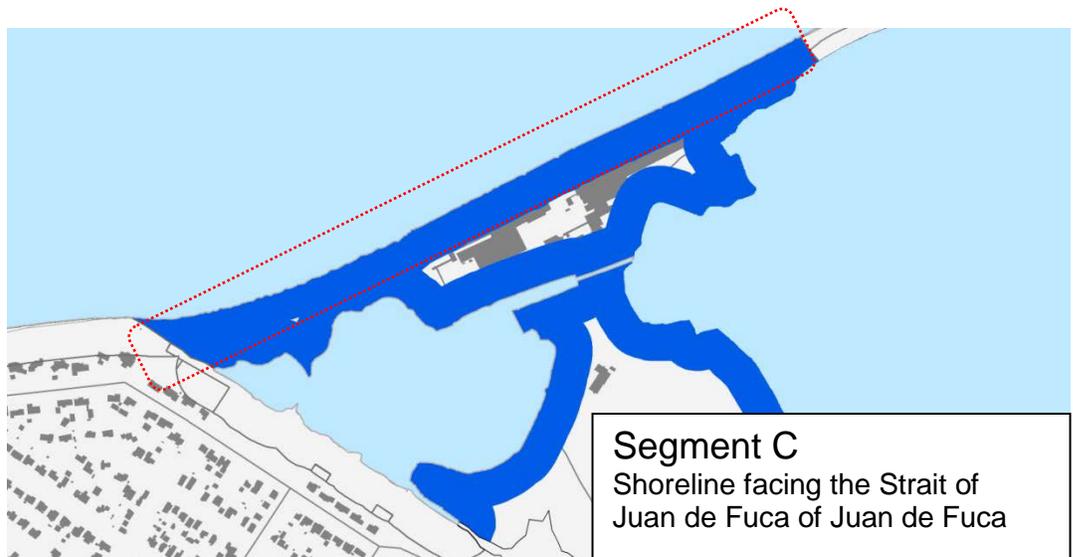
2. New development, redevelopment, and uses should include the protection and/or restoration of shoreline ecological functions, with particular emphasis on habitat for priority species and environmental cleanup.
3. Visual and physical public access should be required as part of any development where there is both a public benefit and no security or use conflicts, as provided for in SMP Chapter 3, Section 8 - Public Access.
4. Pedestrian, bicycle, and vehicular routes should be preserved and provided through these segments to public access points such as Ediz Hook, or to public access points that may be developed within these segments.
5. Sign control regulations, appropriate development siting and screening, building bulk and height restrictions, and maintenance of visual buffers should be considered with development or redevelopment to improve the aesthetic quality of the shoreline.
6. Redevelopment including ecological restoration of substandard and degraded urban shoreline areas and removal of obsolete structures is encouraged. Such redevelopment, which may occur through regulatory or capital improvement measures, should consider accommodation of future water-oriented uses.

d. Environment-Specific Development Regulations

	Vegetation Conservation Area	Structure Setbacks (from the OHWM)	Maximum Structure Height
Segment C	N/A	50 feet	75 feet
Segment H	50 feet	50 feet	45 feet
Segment I	N/A	50 feet	45 feet

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

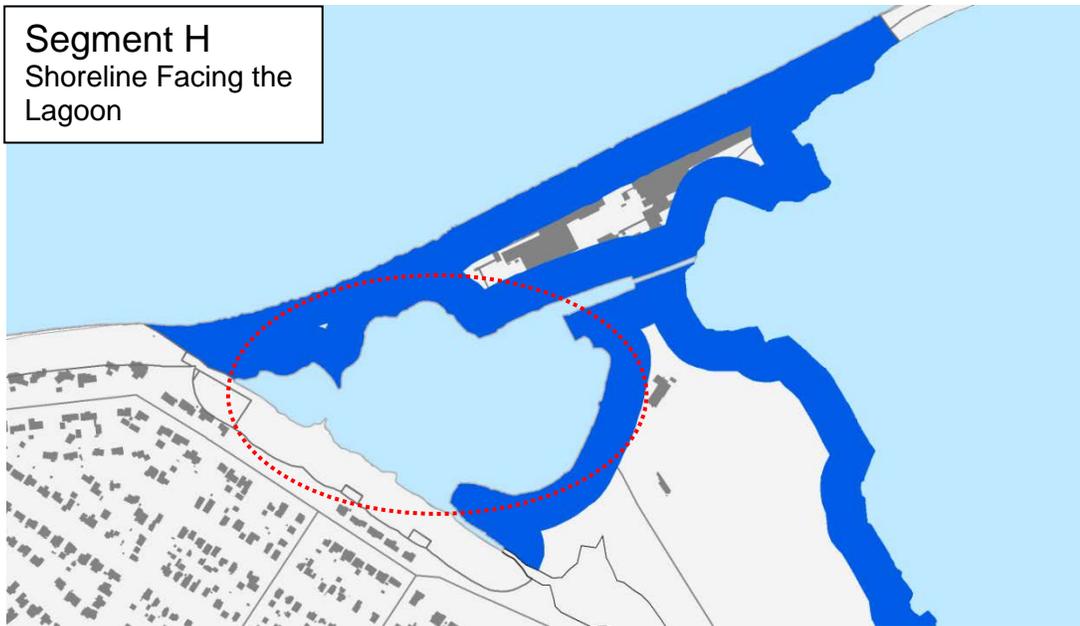
Maximum structure heights are not applicable to light and utility poles, chimneys and stacks, or to equipment used for loading and unloading such as conveyors and cranes.



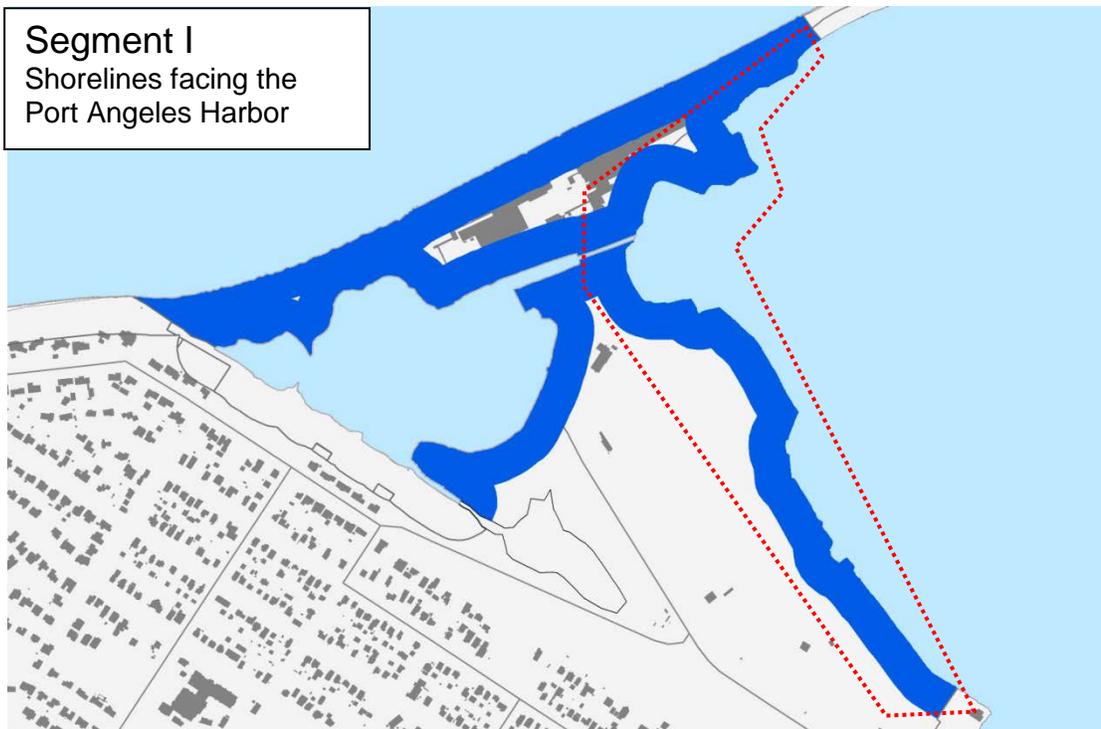
In this segment, vegetative restoration or mitigation for development resulting in unavoidable impacts to vegetation on parcels where a VCA has not been designated shall be focused on the existing pocket beach in the middle of the segment when feasible; see Chapter 3. Utilization of the pocket beach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

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

- i. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances unique to the property;
- ii. The area within the setback contains existing variations in ecological function and sensitivity;
- iii. Averaging will not adversely impact ecological functions; and
- iv. The total area contained within the setback after averaging is no less than that contained within the standard setback prior to averaging. In no instance shall the setback be averaged more than 50% (25 feet).



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



In this segment, vegetative restoration or mitigation for development resulting in unavoidable impacts to vegetation on parcels where a VCA has not been designated shall be focused on the existing beach area south of the lagoon channel when feasible; see Chapter 3. Utilization of the beach area for restoration or mitigation is contingent

upon execution of a formal agreement (conservation easement, etc.) between the property owner and party proposing mitigation or restoration. Such agreement shall ensure access to and maintenance of the utilized area, and guarantee preservation of the utilized area in perpetuity. If an agreement meeting the conditions outlined above cannot be reached, compensatory mitigation shall occur on the same parcel where the unavoidable impact occurs or through other measures established in this SMP.

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

- i. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances unique to the property;
- ii. The area within the setback contains existing variations in ecological function and sensitivity;
- iii. Averaging will not adversely impact ecological functions; and
- iv. The total area contained within the setback after averaging is no less than that contained within the standard setback prior to averaging. In no instance shall the setback be averaged more than 50% (25 feet).

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

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

2. High-Intensity Marine (HI-M) Environment (Segments E and J)

a. Purpose

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

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

b. Designation Criteria

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

c. Management Policies

1. In regulating uses in the High-Intensity Marine (HI-M) Environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except for 1) as part of mixed-use developments that combine water-dependent and non-water-oriented uses such as a multi-use marina, or 2) existing developed areas supporting water-dependent uses. 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 8 – Public Access. The U.S. Coast Guard base is exempt from this requirement.
4. Sign control regulations, appropriate development siting and screening, building bulk and height restrictions, and maintenance of visual buffers should be considered with development or redevelopment to improve the aesthetic quality of the shoreline and protect views from public properties and residences.
5. Public access should include identified points and routes for pedestrians, bicycles, and vehicles.
6. Redevelopment including ecological restoration of substandard and degraded urban shoreline areas and removal of obsolete structures is encouraged. Such redevelopment should consider accommodation of future water-oriented uses.
7. 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.

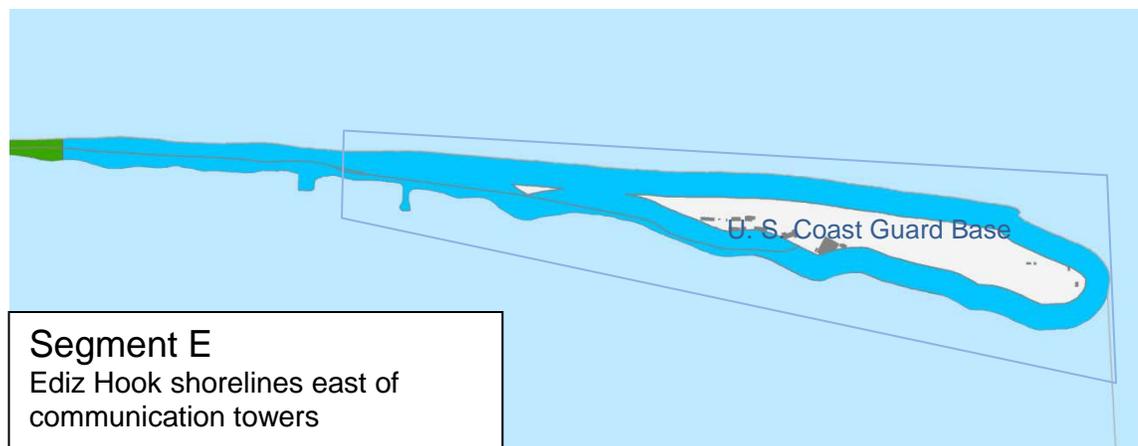
d. Environment-Specific Development Regulations

	Vegetation Conservation Area	Structure Setbacks (from the OHWM)	Maximum Structure Height
Segment E (facing the Strait)	N/A	N/A	N/A
Segment E (facing the Harbor)	OHWL to the waterward extent of new structural road foundation	15 feet	15 feet
Segment J	N/A	50 feet*	75 feet

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

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

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



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

In the portion of this segment facing the Port Angeles Harbor, the City anticipates widening Ediz Hook Road to the south to facilitate trail improvements or public access.

The VCA extends from the OHWM to the waterward extent of any structural road foundation necessary to widen the road.

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

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



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

3. High-Intensity Urban Uplands (HI-UU) Environment (Segments K, M and N)

a. Purpose

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

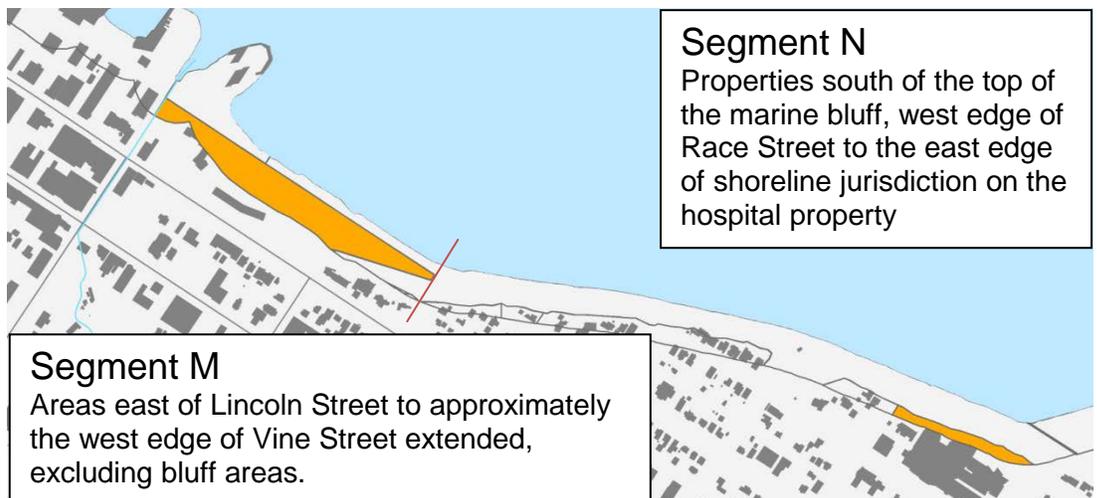
b. Designation Criteria

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

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



2. **Segment M.** Areas east of Lincoln Street to approximately the west edge of Vine Street extended, excluding bluff areas.



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

c. Management Policies

1. Uses in the High-Intensity Urban Uplands Environment should be limited to those that do not conflict with water-oriented activities and public access on the shoreline.
2. New development should not substantially diminish visual and physical public access.
3. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be provided through shorelands with this designation to public access points by utilizing measures such as street and pathway improvements. Development should improve the aesthetic qualities of shorelands in this environment and consider views from public properties and adjacent residences.

d. Environment-Specific Development Regulations

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

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

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

4. High-Intensity Mixed-Use (HI-MU) Environment (Segments L and O)

a. Purpose

The purpose of the High-Intensity Mixed-Use (HI-MU) Environment is to provide for a wide variety of urban uses and activities supporting vibrant shoreline areas as a key component of Port Angeles' character and quality of life. This designation accommodates public access and water-oriented commercial,

transportation, institutional, and recreational uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

b. Designation Criteria

A High-Intensity Mixed-Use Environment designation will be assigned to shorelands on Port Angeles’s downtown waterfront and the former Rayonier Mill site that have the potential to support a variety of water-oriented uses related to commerce, transportation, navigation, and recreation.

c. Management Policies

1. Development in the High-Intensity Mixed-Use Environment should be managed so that it enhances and maintains the shorelines for public access and a variety of urban uses. Priority should be given to water-oriented uses.
2. All new development should provide public access or otherwise enhance the public’s enjoyment of the shoreline.
3. New development should protect and, where feasible, restore shoreline ecological functions. Restoration should be emphasized on Ennis Creek in segment O, on creating habitat for priority species, and on environmental clean-up.
4. Visual access to the water and aesthetics should be considered in establishing height and bulk limits for new development.
5. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be provided to public access points.
6. Development in shoreline areas should be compatible with surrounding uses, the level of infrastructure and services available, and other comprehensive planning considerations.

d. Environment-Specific Development Regulations

	Vegetation Conservation Area	Structure Setbacks (from the OHWM)	Maximum Structure Height
Segment L	N/A	N/A	45 feet
Segment O	100 feet	100 feet	45 feet

Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are measured from the shoreline in a width landward of and perpendicular to the OHWM.

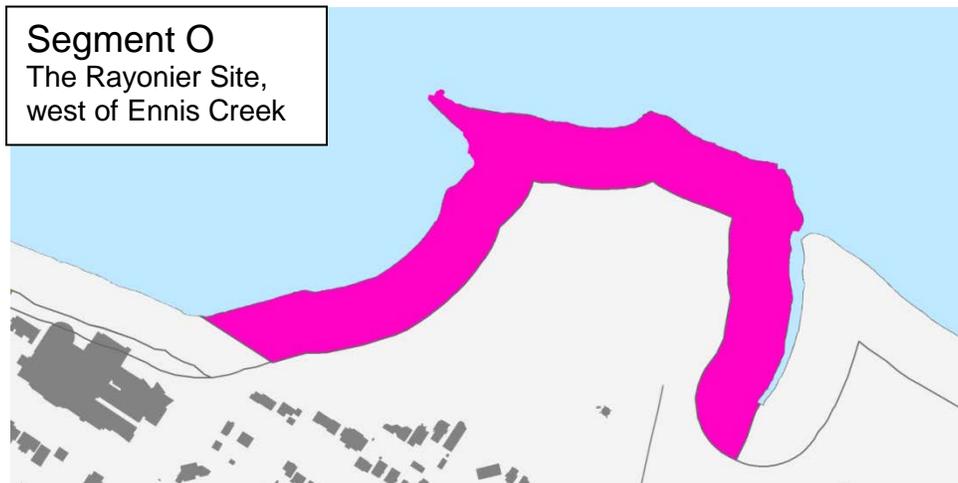


VCA's have not been applied in Segment L where there is little vegetation to conserve and most of the shoreline consists of facilities extending past the shoreline and out into the water (Railroad Avenue Esplanade, Coho Ferry Landing, Landings Mall). While no VCA is assigned to this shoreline segment,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

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

- i. Decreasing the area of upper stories commensurate with increasing height.
- ii. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- iii. Buildings shall incorporate architectural features that reduce scale such as building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- iv. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- v. Utilities and accessory structures shall be designed and installed in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.
- vi. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.

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



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

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

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

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

- i. Decreasing the area of upper stories commensurate with increasing height, minimizing building heights and total lot coverage, maintaining open space between buildings, and clustering buildings to allow for broader view corridors.
- ii. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

- iii. Buildings shall incorporate architectural features that reduce scale such as building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- iv. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- v. Utilities and accessory structures shall be designed and installed in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.
- vi. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- vii. Fences, walls, hedges and other similar accessory structures shall be limited to four (4) feet in height between the ordinary high water mark and primary structures.

5. Urban Conservancy-Low Intensity (UC-LI) Environment (Segments A and G)

a. Purpose

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

b. Designation Criteria

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

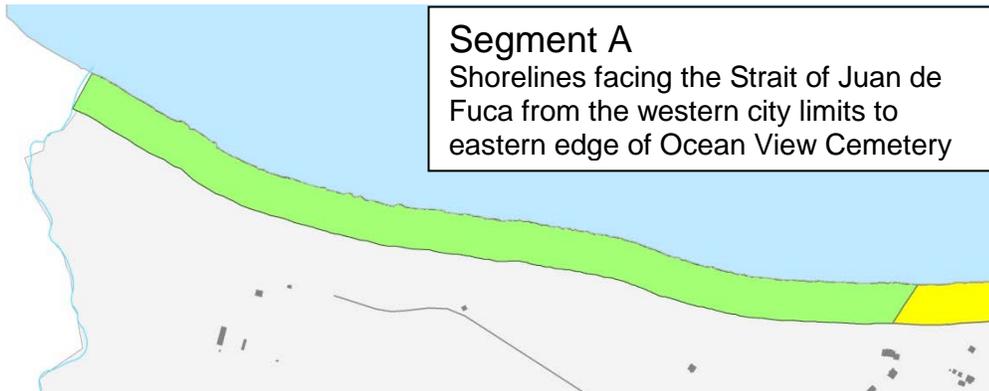
c. Management Policies

1. Uses in the Urban Conservancy-Low Intensity Environment should be limited to those which do not substantially degrade ecological functions or the natural character of the shoreline area. Development and uses that would substantially degrade or permanently deplete habitat or the physical or biological resources of the area should not be allowed.
2. Rehabilitation of existing degraded shoreline conditions, including habitat enhancement and environmental clean-up, is a preferred action.

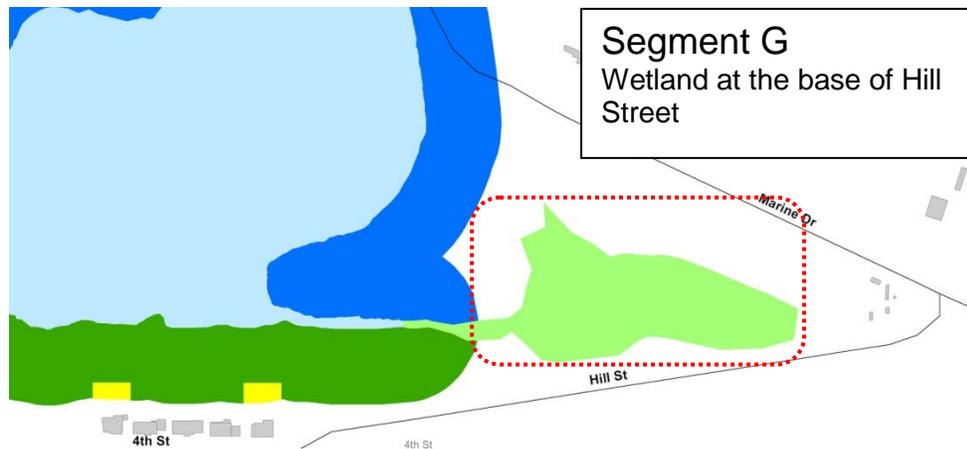
3. Activities or uses that include significant shoreline vegetation removal, would cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should not be allowed.

d. Environment-Specific Development Regulations

	Vegetation Conservation Area	Structure Setbacks (from the OHWM)	Maximum Structure Height
Segment A	200 feet	200 feet	N/A
Segment G	N/A	N/A	N/A



No new structures are allowed within this segment, except for shoreline stabilization structures necessary to protect existing utilities and address erosion at the closed municipal landfill site, in accordance with the provisions in Chapter 4.



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

6. Urban Conservancy-Recreation (UC-R) Environment (Segments D, F, K, M, N and P)

a. Purpose

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

b. Designation Criteria

An Urban Conservancy-Recreation Environment designation will be assigned to shorelands that include public parks, designated trail corridors, and areas especially suited to public access and water-oriented recreation that is compatible with maintaining or restoring the ecological functions of the area. The UC-R designation is a parallel designation waterward of a different designation in segments F, K, M, N and P.

c. Management Policies

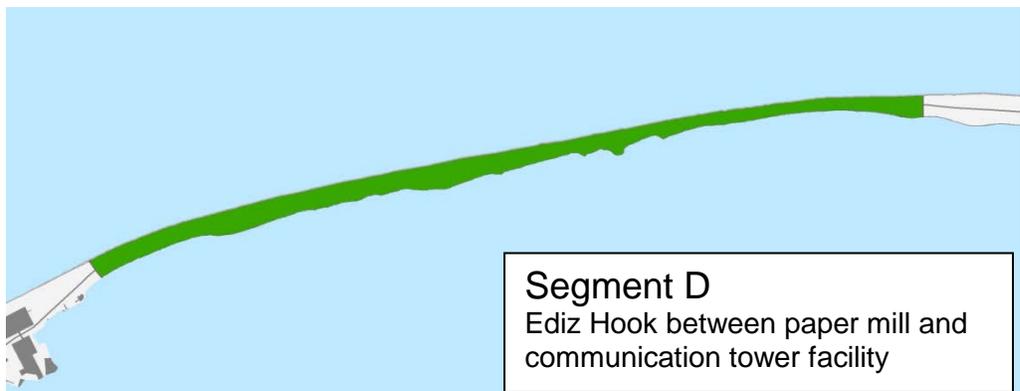
1. Water-oriented recreational uses, public access and cultural or educational uses are preferred over non- water oriented uses. Water-dependent recreational uses should be given highest priority.
2. Commercial activities specifically supporting or catering to the public's use or enjoyment of publicly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

d. Environment-Specific Development Regulations Designated UC-R

	Vegetation Conservation Area	Structure Setbacks (from the OHWM)	Maximum Structure Height
Segment D (facing the Strait)	N/A	N/A	N/A
Segment D (facing the Harbor)	OHWM to the waterward extent of new structural road foundation	15 feet (see below)	15 feet
Segment F	200 feet	200 feet	N/A
Segment K	Waterward edge of Marine Drive/Front Street	Waterward edge of Marine Drive/Front Street	40 feet (viewing tower only, see below)

Segment M	N/A	N/A	N/A
Segment N	To the top of the marine bluff	50 feet	30 feet
Segment P	To the top of the marine bluff	N/A	N/A

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



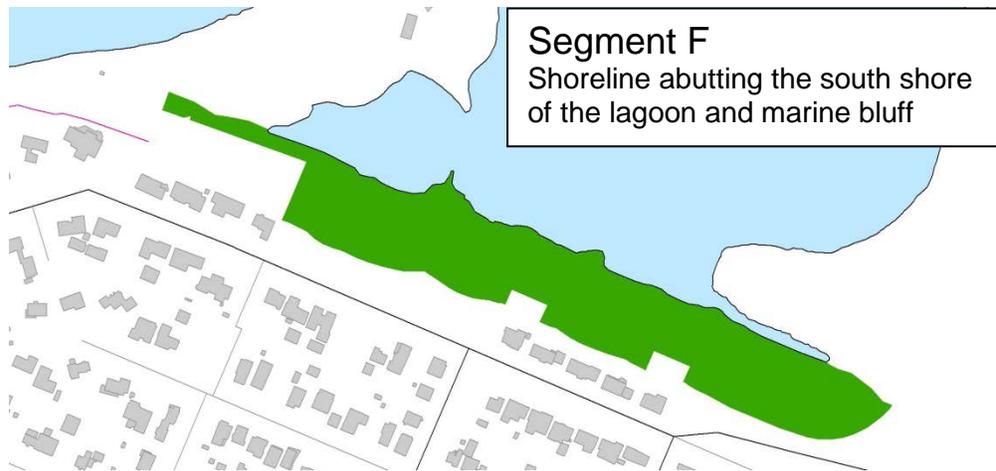
In this segment, no new structures are allowed along the north side of Ediz Hook Road (portion of segment facing the Strait). Along the portion of the segment facing the Port Angeles Harbor, only structures that directly support water dependent shoreline recreational uses shall be authorized.

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

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

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

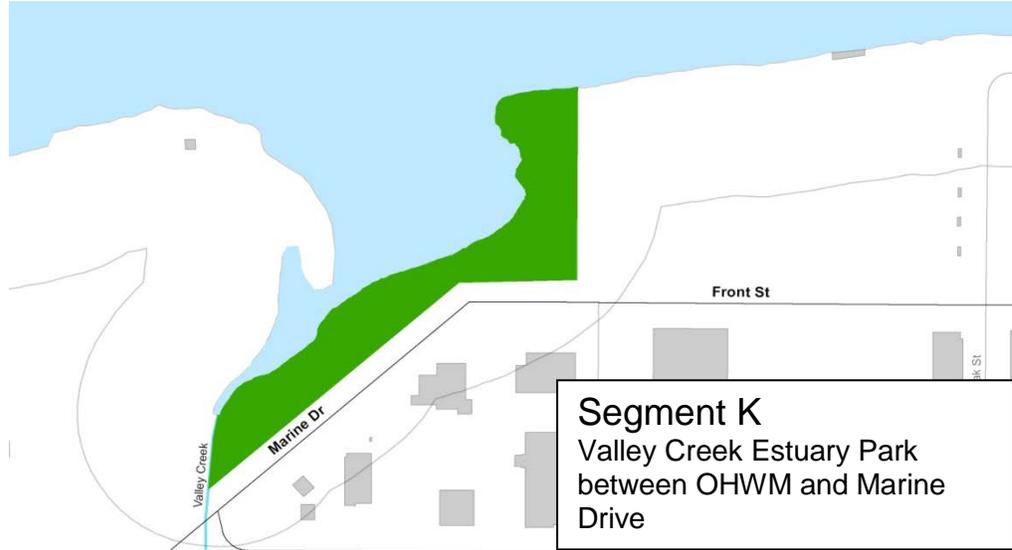
Overwater structures are prohibited in this segment.



Segment F
Shoreline abutting the south shore of the lagoon and marine bluff

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

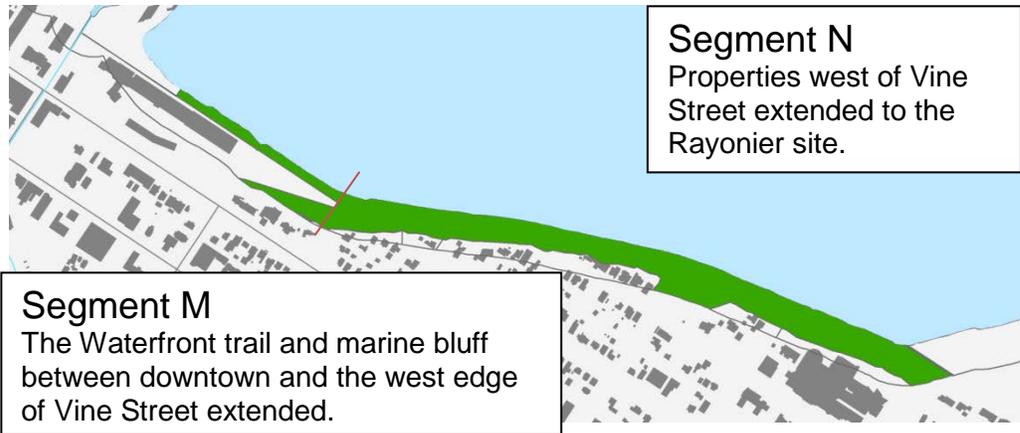
A trail from Marine Drive to the shoreline west of Ediz Hook is the preferred type of public access in this segment. Any trail or similar public access shall follow the existing Industrial Water Line (IWL) route as closely as is feasible. The design of public access facilities shall include measures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



Segment K
Valley Creek Estuary Park between OHWM and Marine Drive

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

Any development in this segment shall maintain the continuous public access pathway/pedestrian walkway that serves as the Olympic Discovery/Waterfront Trail.



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



In segment P, the VCA extends from the OHWM to the top of the marine bluff. Adjacent to the Lee's Creek subreach where there is no bluff, the VCA extends to the landward boundary of any landslide hazard areas. New structures are prohibited in the UC-R designated portion of Segment P.

The Olympic Discovery/Waterfront Trail must be maintained in this segment.

7. Shoreline Residential (SR) Environment (Segments B, F, N and P)

a. Purpose

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

b. Designation Criteria

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

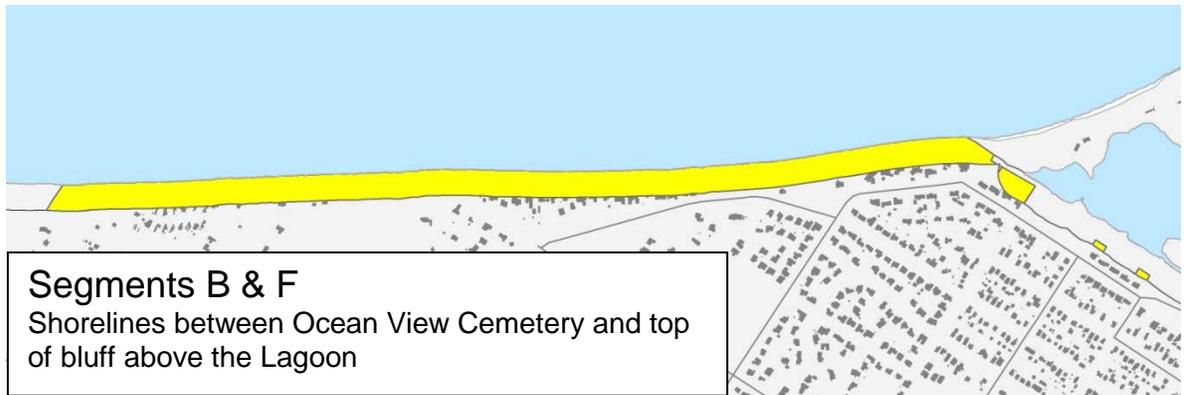
c. Management Policies

1. Development standards in the Shoreline Residential Environment should protect 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. Passive water-oriented recreational uses and public access should be allowed where feasible and where they do not cause significant ecological impacts.
3. 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

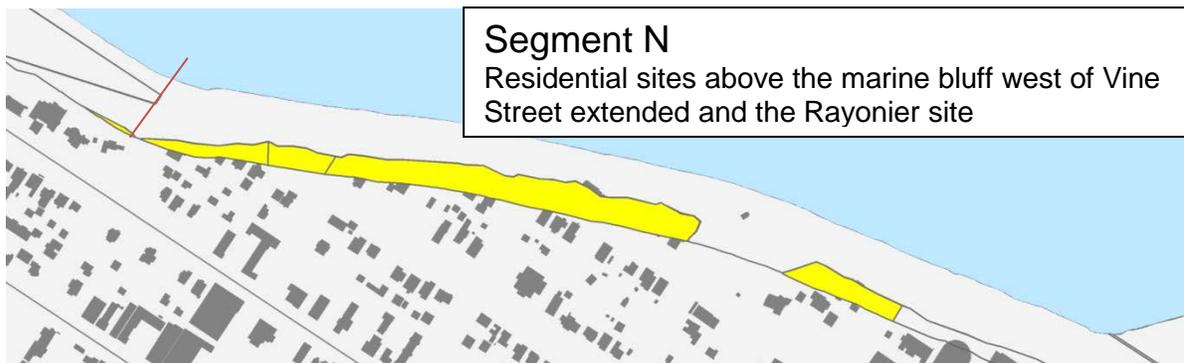
	Vegetation Conservation Area	Structure Setbacks (from the OHWM)	Maximum Structure Height
Segment B	Marine bluff plus 50 feet landward from the edge of the bluff	15 feet from the landward edge of the marine bluff buffer/VCA	35 feet
Segment F	50 feet landward from the top of the bluff	15 feet from the landward edge of the marine bluff buffer	35 feet
Segment N	50 feet landward from the top of the bluff	15 feet from the landward edge of the marine bluff buffer	35 feet
Segment P	50 feet landward from the top of the bluff In the Lee's Creek subreach, any landslide hazard area	15 feet from the landward edge of the marine bluff buffer (or landslide hazard area in the Lee's Creek subreach)	35 feet

Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA's are typically measured from the shoreline in a width landward of and perpendicular to the OHWM. The SR designation occurs on shorelands upland of the UC-R designation in segments F, N and P. In these segments, the SR designation begins at the top of the marine bluff. In the Lee's Creek subreach (segment P), the SR designation begins at the waterward lot lines of the subject parcels. In accordance with critical area provisions in Chapter 3, the VCA in these areas reflects the required marine bluff buffer (or landslide hazard area in the Lee's Creek subreach).



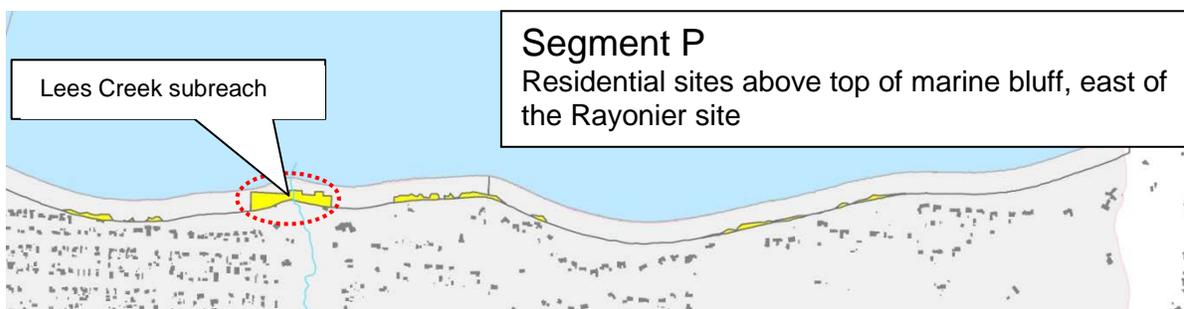
New development shall be setback from the top of the marine bluff by a minimum of 65 feet (50 foot marine bluff buffer plus 15 feet). See Chapter 3 for additional critical area provisions.

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



New development shall be setback from the top of the marine bluff by a minimum of 65 feet (50 foot marine bluff buffer plus 15 feet).

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



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

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

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

8. Aquatic-Harbor (A-H) Environment

a. Purpose

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

b. Designation Criteria

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

c. Management Policies

1. New overwater structures should be prohibited except for water-dependent uses, public access, or ecological restoration, unless otherwise specified for a particular segment of adjacent shorelands.
2. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use. Overwater structures should be configured and located so as to avoid and reduce impacts to ecological functions or critical saltwater habitats.
3. Provisions for the Aquatic-Harbor Environment should be directed toward accommodating appropriate water-dependent uses while maintaining ecological functions and restoring habitat for priority aquatic species.
4. All development 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. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
6. Development of underwater pipelines and cables below the OHWM should include adequate provisions to ensure against substantial damage to the environment.

7. 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.
8. Environmental clean-up and remediation of contaminated sediments in the Aquatic- Harbor Environment is encouraged.

9. Aquatic-Conservancy (A-C) Environment

a. Purpose

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

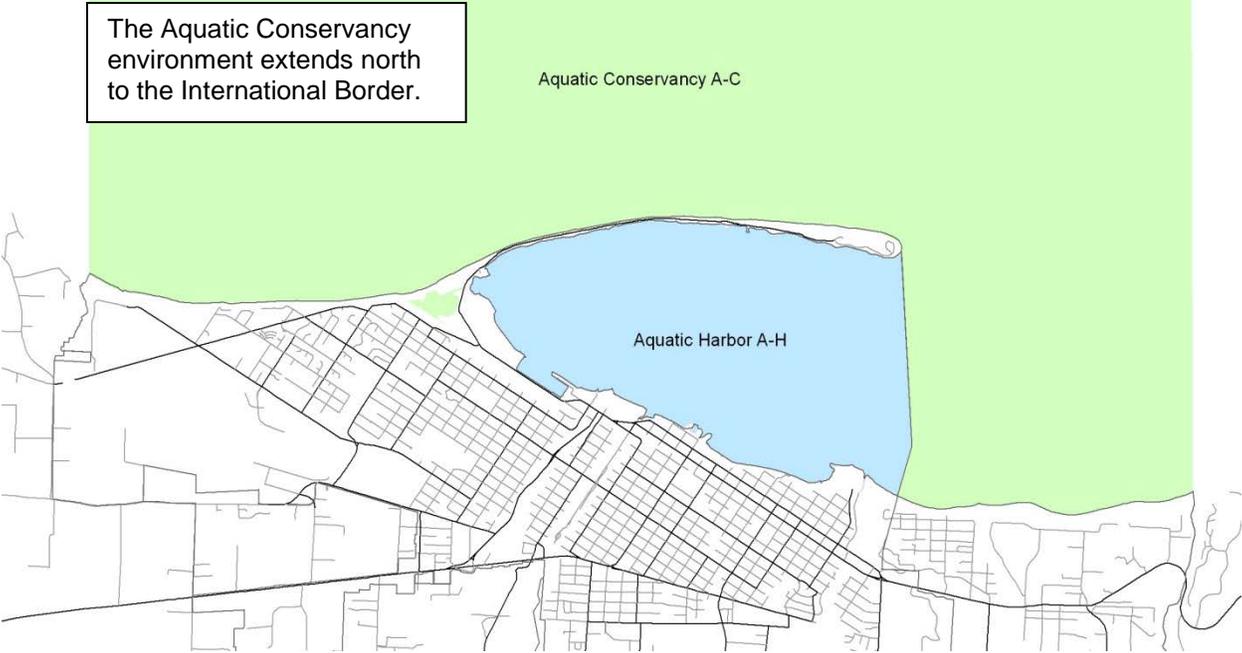
b. Designation Criteria

An Aquatic Conservancy (A-C) designation will be assigned to areas waterward of the OHWM outside of Port Angeles Harbor within the City's Shoreline jurisdiction extending to the international boarder. The lagoon at the base of Ediz Hook is included in the Aquatic Conservancy designation.

c. Management Policies

1. Except for special situations involving a public benefit and water-dependent activities associated with the U.S. Coast Guard base on Ediz Hook, overwater structures should not be allowed.
2. Diverse public access opportunities to water bodies should be encouraged provided they are compatible with protection of the shoreline ecology.
3. In appropriate areas, fishing and recreational uses of the water should be protected from competing water dependent uses that would interfere with these activities.
4. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish and animals, particularly those whose life cycles are dependent on migration.
5. Development of underwater pipelines and cables should not be allowed except when upland alternatives exist. When permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment.
6. Abandoned and neglected structures should be removed or restored to a usable condition consistent with the provisions of this program.

The Aquatic Conservancy environment extends north to the International Border.



C. Shoreline Use and Modification Matrices

1. Shoreline Use Matrix

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

Table 1. Shoreline Use Matrix

SHORELINE USE	High-Intensity-Industrial	High-Intensity-Marine	High-Intensity-Urban Uplands	High-Intensity-Mixed-Use	Urban Conservancy-Low Intensity	Urban Conservancy-Recreation	Shoreline Residential	Aquatic-Harbor ¹³	Aquatic-Conservancy ¹³
	Agriculture	X	X	X	X	X	X	X	X
Mining	X	X	X	X	X	X	X	X	X
Forest practices (Not including log rafting)	X ¹²	X ¹²	X	X	X	X	X	NA	NA
Aquaculture	P	P	P	P	X	X	X	C	C
Commercial:									
Water-dependent	X	P	P	P	X	P ¹	X	P	C
Water-related, water-enjoyment	C	P	P	P	X	P ¹	X	C ⁴	X
Non-water-oriented	C ⁴	C ⁴	P	P ⁴	X	X	X	C ⁴	X
Boating facilities (including marinas) ¹⁰	X	P	P	P	X	P	X	P	X
Industrial:									
Water-dependent	P	P	X	C ⁸	X	X	X	P	C
Water-related	P	P	P	C ⁸	X	X	X	X	X
Non-water-oriented	P ⁴	P ⁴	P	X	X	X	X	X	X
Flood hazard management	P	P	P	P	P	P	P	NA	NA
Solid waste disposal	X	X	X	X	X	X	X	X	X
Governmental, educational, cultural and institutional facilities ⁹	P	P	P	P	P ⁹	P	X	C	X
Government facility – Water-Dependent	P	P	P	P	X	X	X	P	C

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

SHORELINE USE	High-Intensity-Industrial	High-Intensity-Marine	High-Intensity-Urban Uplands	High-Intensity-Mixed-Use	Urban Conservancy-Low Intensity	Urban Conservancy-Recreation	Shoreline Residential	Aquatic-Harbor ¹³	Aquatic-Conservancy ¹³
Parking									
Parking (accessory)	P	P	P	P	X	P	P	X	X
Parking (primary, including paid)	X	X	X	C ²	X	X	X	X	X
Recreation:									
Water-dependent	P	P	P	P	P ³	P ¹	P ³	P	P
Water-enjoyment	P	P	P	P	P ³	P ¹	P	P	P
Non-water-oriented	P ⁴	P ⁴	P ⁴	P ⁴	X	P ^{1,4}	X	X	X
Public Access	P	P	P	P	P ³	P	P	P	P
Residential:									
Single-family residential	X	X	P	X	X	X	P	X	X
Multifamily residential	X	X	P	C ¹¹	X	X	P	X	X
Land subdivision	P	P	P	P	P ⁵	P ⁵	P	X	X
Signs:									
On premises	P	P	P	P	X	P ⁶	X	P ¹⁴	X
Off premise ¹⁴	X	X	X	X	X	X	X	X	X
Public, highway	P	P	P	P	X	P	X	X	X
Transportation:									
Water-dependent	P	P	P	P	C ³	P	X	P	C
Non-water-oriented	P ⁷	P ⁷	P	P ⁷	X	C ⁷	P	X	X
Utilities (primary)	P ⁷	P ⁷	P	C ⁷	C ⁷	C ⁷	C	C ⁷	C ⁷

Shoreline Use Matrix Notes:

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

6. *Signs may be allowed only for public facilities and accessory uses within them.*
7. *Roadways and primary utilities may be allowed only if there is no other feasible alternative, as determined by the Administrator, and all adverse impacts are mitigated per the mitigation sequence detailed in chapter 3, section 1.*
8. *Small-scale water-oriented fabrication and processing, such as repair of hand-launched boats and custom fish processing, may be allowed only where the Administrator determines there are no significant adverse impacts.*
9. *May be allowed in shoreline jurisdiction only if water-oriented (see chapter 5, section 6), and may be allowed in the Urban Conservancy-Low Intensity designation only if the development and use do not cause significant ecological impacts. These types of uses and developments are allowed over water only if they are water-dependent, provide public access, or include a restoration component.*
10. *See table 2 for moorage piles and mooring buoys.*
11. *Residential uses may be allowed in the HI-MU environment only when located above an approved ground floor use. See PAMC Title 17.*
12. *Log handling and processing of forest products are allowed in the HI-I and HI-M environments. See Chapter 5. §5, Regulations 14 through 26.*
13. *Allowed in the aquatic environment only if allowed in the nearest upland environment. With regard to aquaculture, uses with no upland components may be authorized in the aquatic designations regardless of the adjacent upland designation with a CUP.*
14. *Over-water or off-premise signs may only authorized if directional, informational or providing a public warning.*

2. Shoreline Modification Matrix

The following matrix (Table 1) 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 Chapters 2, 3, 4 or 5, the written provisions shall apply.

Table 1. 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

SHORELINE MODIFICATIONS

	High-Intensity-Industrial	High-Intensity-Marine	High-Intensity-Urban Uplands	High-Intensity-Mixed-Use	Urban Conservancy-Low Intensity	Urban Conservancy-Recreation	Shoreline Residential	Aquatic-Harbor ¹	Aquatic-Conservancy ¹
Shoreline stabilization:									
Bioengineering	P	P	NA	P	P	P	P	P ³	P ³
Revetments	P	P	NA	P	C	P	C	P	P
Bulkheads	P	P	NA	P	X	C	C	P	P
Breakwaters/jetties/rock weirs/groins	P	P	NA	P	X	C	X	C	C
Dikes, levees	C	C	NA	C	C	C	C	P ³	P ³
Environmental restoration	P	P	P	P	P	P	P	P	P
Clearing and Grading	P	P	P	P	C	P	P	NA	NA
Dredging	NA	NA	NA	NA	NA	NA	NA	P	C ⁴
Dredged material disposal	P	P	P	P	X	C	X	C ⁴	C ⁴
Hazardous waste cleanup	P	P	P	P	P	P	P	P	P
Fill	P	P	P	P	C	P	C	C ⁵	C ⁵
Piers, docks	P	P	NA	P	X	P	X	P	C
Moorage piles and mooring buoys	NA	NA	NA	NA	NA	NA	NA	P ²	C ²
Outfalls	P	P	NA	P	C	P	P	P	C

Shoreline Modification Matrix Notes:

1. Specific to all methods of shoreline stabilization, and piers and docks - allowed in the aquatic environment only if allowed in the nearest upland environment.
2. Private, non commercial mooring piles and buoys are prohibited.

3. *Soft stabilization measures may be allowed waterward of the OHWM if they restore ecological functions.*
4. *Previously unauthorized dredging and dredged material disposal may be allowed as part of construction of an approved use within the Aquatic Environments (e.g., buried outfall). Dredge material disposal according to PSDDA management plan may be allowed with a CUP.*
5. *Fill waterward of the OHWM that is for the purpose of restoring ecological functions or as part of a WDOE-approved environmental clean-up action is a permitted use and does not require a conditional use permit, unless the proposed fill material includes dredge spoils.*

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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 be administered consistent with constitutional and legal limitations.

a. Applicability

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

b. Policies

1. In order to encourage shoreline restoration, the City will implement Washington State House Bill 2199 Chapter 405, 2009 Laws, codified as RCW 90.58.580. The City may grant appropriate relief from SMP provisions to applicable properties all along the City's shorelines provided they meet the conditions of RCW 90.58.580 and the policies in this SMP.
2. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Program.
3. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Shoreline Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted will be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.
4. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access should have priority, unless there is a compelling reason to the contrary.
5. All adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible. Mitigation should be provided for any unavoidable impacts to ensure no net loss of ecological function.

c. Regulations

1. Except when specifically exempted by statute, all proposed shoreline uses and development, including those that do not require a shoreline

permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.

2. All proposed shoreline uses and development, including those that do not require a shoreline permit may be allowed only when consistent with the underlying City zoning, PAMC Title 17.
3. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this SMP.
4. Shoreline uses and modifications listed as "prohibited" shall not be authorized as a shoreline variance or shoreline conditional use permit.
5. Permit applicants shall submit management plans detailing application of pesticides, fertilizers and other chemicals as part of the permit application. Plans shall indicate the pesticide to be used and assurance that use of the chemical is approved for the intended use and that the chemicals are applied per department of Agriculture or Department of Ecology regulations. The Shoreline Administrator will require the use of best management practices for fertilizer application in order to protect water quality. The public must be notified through announcements and on-site signage when chemicals are applied.
6. All shoreline uses and developments shall analyze the environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the Master Program and other applicable regulations. Where required, the City will apply mitigation measures in the following sequence of steps listed in order of priority, with (a) being top priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects (from subsection e. above) and taking appropriate corrective measures.
7. The City may allow fee payment in lieu of physical compensatory mitigation measures provided:
 - a. There is an established program to restore ecological functions using those funds;
 - b. The funds are sufficient to provide mitigation so that there is no net loss of ecological function; and

- c. There is a direct and demonstrated correlation between the impacted ecological functions and the restored functions that the fee will fund.
8. All shoreline development, uses and activities shall be located, designed, constructed and managed in a manner which:
- a. Minimizes adverse impacts to surrounding land and water uses and is aesthetically compatible with other existing or planned uses in the affected area;
 - b. Avoids disturbance of and minimizes adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes;
 - c. Minimizes interference with natural shoreline processes such as water circulation and sediment transport and accretion;
 - d. Avoids adverse impacts to public health and safety;
 - e. Minimizes the need for shoreline defense and stabilization measures and flood protection works, such as bulkheads, fill, levees, dikes, groins or substantial site regrades; and
 - f. Utilizes effective erosion control methods during both project construction and operation.

2. Archaeological and Historical Resources and Sites

a. Applicability

1. The following provisions apply to standing historical structures, buildings, sites or districts and archaeological resources or sites that are either recorded at the Department of Archaeology and Historic Preservation, demonstrated or predicted by local jurisdictions, or have been discovered as part of a project action (for example the inadvertent discovery of a buried archaeological site during construction).
2. Archaeological sites located both within and outside of shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records). Developments or uses that may impact such sites shall comply with Chapters 25-46 and 25-48 WAC as well as federal historical preservation laws and the provisions of this SMP.

b. Policies

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

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 shall review the information provided by the project applicant and consult in-house archaeological and historical reference materials, including but not limited to:
 - a. City of Port Angeles' Archaeological Predictive Model;
 - b. 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 consultation with the Tribe, City planning staff or the authorized approval body may add conditions to the project permit in order to require the identification and protection of historical and archaeological resources that might otherwise be adversely affected by the project. These conditions will adhere to standard and accepted professional cultural resources practices.
4. In addition to any other conditions that may be imposed on a project, all shoreline permits shall contain provisions requiring developers and property owners to immediately cease work and notify the City Planning Department, Department of Archaeology and Historic Preservation and affected Indian Tribes if any items of possible archaeological interest are uncovered during excavations. In such cases, the developer or property owner shall be required to allow a site inspection and evaluation by an archaeologist meeting the federal secretary of the interior's standards for a professional archaeologist. The professional archaeologist shall ensure that any inadvertent archaeological discoveries are properly recorded, reported, and mitigated prior to the resumption of the project.
5. The City may 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. No shoreline permit shall 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 WAC 173-27-040 (2)(d) necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the requirement to obtain a substantial development permit. The City shall notify the State Department

of Ecology, the State Attorney General's Office, the State Historic Preservation Office, and the Lower Elwha Klallam Tribe of the exemption in a timely manner.

8. Historical or archaeological resources shall be considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
9. Interpretation of historical and archaeological features (e.g., informational or interpretive panels along trails) shall be provided as part of public projects when the Shoreline Administrator, in consultation with the Lower Elwha Klallam Tribe, determines that it is appropriate based on the sensitivity of the features, interpretive opportunities, and other relevant circumstances.

3. Critical Areas (General)

a. Applicability

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

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

b. Policies

1. Protect unique, rare, and fragile environments, including marine bluffs, stream ravines, wetlands and fish and wildlife habitat conservation areas, from impacts associated with shoreline use and development.
2. Locate and design shoreline uses and development to minimize risks to people, property, and critical areas associated with geologically hazardous areas and frequently flooded areas.
3. Provide a level of protection to critical areas within shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. To achieve this policy, the City has incorporated

appropriate portions of its Environmentally Sensitive Areas Protection regulations into this SMP by reference.

c. Regulations

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

1. If provisions of the Environmentally Sensitive Areas Protection regulations and other parts of the SMP conflict, the more specific regulation 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. Provisions of the Environmentally Sensitive Areas regulations that include a “reasonable use exception” shall not apply within shoreline jurisdiction. Specifically, Sections 15.20.080(A)(1), (3) & (6), and 15.24.070(E), PAMC, do not apply. Such requests shall require a shoreline variance.
 - b. Provisions of the Environmentally Sensitive Areas Protection regulations relating to variance procedures and criteria do not apply in shoreline jurisdiction. Variance procedures and criteria have been established in this SMP, Chapter 7 Section D and in Washington Administrative Code WAC 173-27-170 (4).
 - c. Provisions of the Environmentally Sensitive Areas Protection provisions relating to nonconforming activities do not apply in shoreline jurisdiction, specifically Section 15.24.090 PAMC. Nonconforming use and development provisions have been established in this SMP, Chapter 7 Section F.
3. The provisions of the Environmentally Sensitive Areas Protection regulations do not extend the shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing portions of critical areas and buffers that are outside the shoreline jurisdiction, see Environmentally Sensitive Areas Protection regulations, Chapters 15.20 and 15.24 PAMC.

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

a. Applicability

For the purposes of this SMP, critical saltwater habitats shall include those defined in WAC 173-26-221 (2)(iii)(A). This includes: Kelp beds, eelgrass beds, fish spawning and holding areas for herring, sand lance

and smelt, subsistence, commercial, and recreational shellfish beds, mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Habitat Areas for Priority Species and Species of Concern are addressed in Section 15.20.070 D of the PAMC. Priority Habitats and Priority Species are defined in chapter 6. Areas containing Priority Habitats and Species have been identified in map series 14 in the Shoreline Inventory, Analysis and Characterization Report, dated June 2012 (Appendix B).

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 critical saltwater habitats, provided that the proposed activity or structure will not result in a net loss of ecological functions or habitat.
3. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, uses and development on shorelands adjacent to aquatic areas where critical saltwater habitats exist should avoid directly or indirectly changing the composition of the beach and bottom substrate. The re-establishment of natural erosion and sediment transport processes should be encouraged.
4. Shoreline uses and development should be located and designed to avoid adverse impacts to critical saltwater habitats.
5. The inclusion of commercial shellfish aquaculture in the critical saltwater habitat definition should not limit its regulations as a use.
6. Impacts to habitat supporting priority species and species of concern should be avoided and minimized to ensure such populations do not decline and so that populations of recreationally important species are maintained. Measures specific to protection of priority habitats and species, such as Marbled Murrelet, should be considered as conditions of permit approval.

c. Regulations

1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, bridges, underwater parks, utility crossings, shoreline modifications, and other human-made structures shall not intrude into or be built or located over critical saltwater habitats, unless the applicant shows that all of the following conditions have been met:
 - a. The use preference listing in RCW 90.58.020 for uses in Shorelines of Statewide Significance have been adhered to:
 - Recognize and protect the statewide interest over local interest;
 - Preserve the natural character of the shoreline;

- Result in long term over short term benefit;
 - Protect the resources and ecology of the shoreline;
 - Increase public access to publicly owned areas of the shorelines;
 - Increase recreational opportunities for the public in the shoreline;
 - Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- b. The public's need for such a development or use is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020.
 - c. An alternative alignment or location on the applicant's property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose. This shall be documented through an alternatives analysis as part of the application process.
 - d. The project is consistent with the state and local interests in resource protection and species recovery.
 - e. Impacts to critical saltwater habitat functions are avoided and mitigated to result in no net loss of ecological function.
2. Except when associated with an authorized use, development, or restoration project aquatic herbicide and pesticide treatments and mechanical removal of vegetation shall not occur in or over critical saltwater habitats.
 3. Sand, gravel, or other materials shall be neither added to nor removed from critical saltwater habitats, except when part of an authorized use or development or as allowed in Regulation 1 above.
 4. New outfalls (including storm water and sewer outfalls) and discharge pipes shall not be located in critical saltwater habitats or in areas where outfall or discharge will adversely affect critical saltwater habitats or water quality unless the applicant can show that all of the following have been met:
 - a. There is no alternative location for the outfall or pipe;
 - b. The outfall or pipe is placed below the surface of the beach or bed of the water body;
 - c. The outfall discharges waterward of the intertidal zone;
 - d. The disturbed area will be revegetated with site appropriate plants;
 - e. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients in the discharge and currents, do not adversely affect critical saltwater habitats and water quality.
 5. Prior to construction, all overwater and near-shore developments shall conduct an inventory of the project site and adjacent beach sections to assess the presence of critical saltwater habitats. The methods and extent of the inventory shall be consistent with accepted research methodology. New inventories may not be required when the Administrator determines that

existing information and studies or inventories are current, adequate, and were conducted as required and document compliance with all of the regulations set forth above.

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

5. Critical Areas (Geologically Hazardous Areas)

a. Applicability

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

More severe hazard areas are not suitable for placing structures or locating activities or uses due to the inherent threat to public health and safety. Vegetation removal from sites with or adjacent to 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. New development or the creation of new lots should not cause any foreseeable risk from geological conditions to people or improvements during the expected life of the development.
2. Permit development where no slope protection (e.g., bulkheads, riprap, retaining walls, etc.) is necessary and where nonstructural protection (e.g., shoreline setbacks) will be 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, as incorporated into this SMP. Note that in addition to the setbacks from hazard areas applied therein, vegetation conservation within these areas shall be required by as outlined in Section 12 of this Chapter.

Additional standards for marine bluffs are presented below.

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

The geotechnical engineering report shall:

- be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington specialty license in engineering geology as specified in RCW 18.220,
 - be professionally stamped,
 - be based upon the best available science,
 - consider existing and proposed uses,
 - include risks of slope failure,
 - include coastal erosion rates over at least 75 years, based in part on anticipated sea level rise and storm frequency,
 - Document how, and include a certification that the proposed structure will not be in danger from erosion for at least 75 years,
 - Include vegetation enhancement and low impact development measures that might be used as a means of reducing undesirable erosion.
 - address the requirements outlined in PAMC 15.20.060 (C), and
 - outline how the proposal meets all of the variance criteria in chapter 7 of this SMP.
3. Surface drainage shall be directed away from marine bluffs. When no other solution is feasible, surface drainage piping may be located on the face of a steep slope when contained in a tight line (closed, non-leaking pipe) properly secured to avoid erosion caused by movement of the pipe, and designed in such a way that erosion will not be exacerbated at the base of the bluff and

that physical access along the shoreline is not degraded. Furthermore, conditions may be applied to mitigate for aesthetic or habitat impacts of drainage systems as viewed from public areas.

4. See Chapter 4 for provisions relating to shoreline stabilization measures.
5. Development (stair towers or other structures) built over the marine bluff face to the shoreline is prohibited.
6. Vegetation management for viewshed enhancement and hazard tree removal may be allowed, as authorized by the Administrator. In addition to the standards in Section 15.20 PAMC (as incorporated into this SMP), best pruning and management practices as established by the Tree Care Industry shall be followed, no cut vegetation may remain on the bluff face, and exposed soils shall be stabilized immediately after the completion of work.

6. Critical Areas (Wetlands)

a. Applicability

Wetlands in shoreline jurisdiction shall be protected in accordance with Chapter 15.24 PAMC, as incorporated into this SMP. Modifications to Chapter 15.24 PAMC as it will be applied in shoreline jurisdiction are outlined below.

b. Policies

1. Wetlands should be protected from alterations to ensure there is no net loss of wetland acreage and functions. The greatest protection should be provided to wetlands of exceptional resource value, defined as those wetlands that include rare, sensitive or irreplaceable systems such as:
 - a. Documented or potential habitat for an endangered, threatened or sensitive species;
 - b. High-quality native wetland systems;
 - c. Significant habitat for fish or aquatic species as determined by the appropriate state resource agency;
 - d. Diverse wetlands exhibiting a high mixture of wetland classes and subclasses;
 - e. Mature forested wetland communities;
 - f. Estuarine wetlands, kelp beds or eelgrass beds.
2. Wetland buffers should be maintained between a wetland and any adjacent development to protect the functions and values of the wetland.
3. Wetland restoration, creation and enhancement projects should result in increased wetland acreage and/or improved wetland functions.
4. Proposals for wetland restoration, creation or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.

c. Regulations

1. General

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

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.
- c. For the purpose of this document, the definition of hydric soils shall not apply. The definition of hydric soil shall be derived from the language in the Corps of Engineers Wetland Delineation Manual and the U. S. Army Corps of Engineers (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).
- d. For Category 1 & 2 wetlands, the applicant, in addition to complying with the provisions above, shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.
- e. Wetlands - Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the "Washington State Wetland Rating System for Western Washington", revised April 2004 (Ecology Publication No. 04-06-025, or as revised and approved by Ecology).
- f. The wetland rating system determines wetland buffers and replacement ratios. Wetland ratings using the system outlined in regulation 1e above shall result in wetland categories as outlined below, instead of those categories found in Section 15.20.040 (D)(1) PAMC. Additionally, the wetland functional assessment process as

outlined in Section 15.24.045 PAMC does not apply in shoreline jurisdiction.

Washington State Four-Tier Wetlands Rating System:

- i. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in undisturbed coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.
 - ii. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre; (3) disturbed coastal lagoons or (4) wetlands with a moderately high level of functions (scoring between 51 and 69 points).
 - iii. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 - iv. Category IV wetlands have the lowest levels of functions (scoring fewer than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.
 - g. For purposes of the SMP, the definition of regulated wetlands in Section 15.24.020 (Y) excludes the statement “Regulated wetlands do not include Category II and III wetlands less than 2,500 square feet and Category IV wetlands less than 10,000 square feet.” In shoreline jurisdiction, all wetlands shall be regulated regardless of size.
2. Wetland Buffers
 - a. Wetland buffers as required in PAMC 15.24.070 C shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation is required.

Developments and activities shall not be allowed within the buffer except for:

- i. Activities outlined in Section 15.24.050 (B) PAMC, except for Class IV general Forest Practices, which shall be regulated by this chapter, provided such activities comply with SMP mitigation sequencing requirements in section 1 of this Chapter and result in no net loss of shoreline ecological function.

Timber harvesting with associated development activity involving land conversions from Forest Use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this Ordinance including the maintenance of buffers, where required. If harvest or development is proposed within an Environmentally Sensitive Area or its buffer, a habitat management plan is required.

- ii. Activities outlined in Section 15.24.050 (A)11 of the PAMC, provided such activities comply with mitigation sequencing requirements in section 1 of this Chapter and result in no net loss of shoreline ecological functions. Limited trail spurs to the water's edge, when located and designed consistent with the mitigation sequence, shall be permitted.
 - iii. Section 15.24.070 (C)(7)(a) shall not apply in shoreline jurisdiction.
 - iv. Standard wetland buffer width averaging as outlined in Section 15.24.070 (C)(4)(e) PAMC shall be limited to 25% of the standard buffer width. Buffer width averaging and buffer width reductions, as described in Section 15.24.070 (C)(3) shall not be used together.
- b. The location of all required buffer zones shall be clearly and permanently marked on any project site prior to initiation of site work.

3. Mitigation and Development

- a. Mitigation shall be as required in the City's Wetland Protection Ordinance, Section 15.24.070 PAMC. However, the wetland mitigation ratios in Section 15.24.070 (H)(6)(b) shall not apply; in shoreline jurisdiction, the compensatory mitigation ratios below shall apply.
- b. In shoreline jurisdiction, wetlands shall be replaced at the following ratio (acreage replaced to acreage lost).

Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural	Not considered possible	Case by case	Case by case

Heritage site			
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

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

- c. Where restoration, creation or enhancement activities are proposed, the applicant shall be required to:
 - i. File a performance bond or other approved security in an amount equal to no less than 150% of the estimated cost of the compensation plan. The cost shall include estimated amounts associated with fulfillment of the compensations project, monitoring program, and any contingency measures; and
 - ii. Compensation areas shall be permanently protected through legal instruments such as sensitive area tracts, conservation easements or comparable use restrictions.

7. Parking

a. Applicability

Parking is the temporary storage of motorized vehicles and/or trailers. The following provisions apply to parking that is "accessory" to a permitted shoreline use unless otherwise noted.

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 facilities in shorelines are not a preferred use and unless otherwise outlined below, should be located outside of shoreline jurisdiction.
3. "Low impact development" techniques, such as permeable pavements, appropriate landscaping and on-site infiltration areas are encouraged to reduce the impacts of parking facilities.

c. Regulations

1. Parking as a primary use or parking that serves a use not permitted in the applicable shoreline environment designation shall be prohibited. Primary parking in the downtown HI-MU designation (segment L) is exempt from this regulation.
2. Parking over water shall be prohibited (staging for ferry loading is exempt).
3. Parking in shoreline jurisdiction must directly serve a permitted shoreline use. Primary parking in the downtown HI-MU designation (segment L) is exempt from this regulation.
4. 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.
5. Parking for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shoreline.
6. Parking areas shall include facilities to prevent surface water runoff from contaminating water bodies.
7. Lighting associated with parking lots shall be beamed, hooded, or directed to minimize and avoid illumination of the skyline (light pollution), water, setback areas, wetlands, and other wildlife habitat areas.

8. Public Access

a. Applicability

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

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

b. Policies

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

2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.
3. In all project proposals, public access should be provided as close as possible to the water's edge without causing significant ecological impacts. All public access should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shoreline properties. Public access opportunities afforded by shoreline street ends, public utilities and rights-of-way should be preserved.
5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy.
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. Publicly funded public access projects should include interpretive displays.
8. Commercial and industrial development on the waterfront should be encouraged to provide a means for visual and physical access to the shoreline area wherever feasible.
9. Shoreline development by private entities should provide public access when the development would either generate a public demand for one or more forms of such physical or visual access, or would impair existing legal access opportunities or rights.
10. Public health and safety concerns associated with community or public access sites should be adequately mitigated.
11. Where feasible, providers of shoreline public access should consider:
 - a. Locate and design public access improvements in a manner that is compatible with the shoreline character and avoids adverse impacts to shoreline ecological processes and functions; and
 - b. Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and
 - c. Provide maps, signage, and orientation information to inform the public of the presence and location of privately held shorelands, especially those adjacent to public access and recreational areas; and
 - d. Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.

c. Regulations

1. Unless otherwise excepted or demonstrated infeasible as outlined below, public access is required for the following developments:
 - a. Land division into more than four lots and planned residential developments (PRDs).
 - b. Nonwater-oriented uses.
 - c. Water-related and water-enjoyment commercial uses.
 - d. Development on public land or by public entities, including the City, Port of Port Angeles, Olympic Medical Center, and public utility districts.
 - e. Development or use that will interfere with an existing public access way. Impacts to existing public access may include blocking access or discouraging use of existing on-site or nearby access sites.
 - f. When public access is required in Segment O of the HI-MU designation, opportunities for moving or providing spurs of the Olympic Discovery/Waterfront Trail to the shoreline shall be explored.
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.

Where on-site public access is not required because of above condition b, the City shall consider alternate methods of providing public access such as offsite improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

3. Required public access shall be conditioned in the applicable shoreline permit so as to describe the impact necessitating access and how the required public access condition(s) address such impact. Public access areas or facilities shall comply with the mitigation sequence in section 1 of this Chapter.
4. Shoreline developments (including land division into more than four lots and PRDs) shall minimize adverse impacts to public views of shorelines from public land or substantial numbers of residences.
5. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not diminish. Street ends and rights of way shall only be vacated in accordance with the requirements of RCW 35.79.035.

6. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
7. Required public access sites shall be fully developed and available for public use at the commencement of the approved use or activity.
8. Public access easements and/or permit conditions shall be recorded on the title and/or on the face of a plat. Recording of easements with the County Assessor's Office shall occur at the time the use or development is approved and prior to commencement of the approved use. Proposed public access easements shall be submitted to the Administrator for review prior to project approval.
9. The minimum width of public access corridors shall be sufficient to provide clearly marked, safe access to the shoreline. The Shoreline Administrator will consult the Harbor Resource Management Plan and the City's trail plan in determining the required type and scope of public access improvements.
10. Public access opportunities shall be 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. Except where precluded by specific provisions elsewhere in this SMP, public access facilities may be developed over water provided that all significant ecological impacts are mitigated to achieve no net loss of ecological functions.
14. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality.
15. Public access requirements on privately owned lands shall be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.

9. Shorelines of Statewide Significance

a. Applicability

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

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

b. Policies

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

1. Recognize and protect the statewide interest over local interest.
 - a. 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 institutional, industrial and navigational activities supporting the maritime economy.
2. Preserve the natural character of the shoreline.
 - a. Shoreline environments and use regulations should protect and restore the ecology and environment of the shoreline.
 - b. Clean up and redevelop 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 preferred uses such as public access.
3. Support actions that result in long-term benefits over short-term benefits.
 - a. In general, preserve resources and values of shorelines of statewide significance and restrict or prohibit uses and development that would irretrievably damage shoreline resources.
 - b. Retain, to the extent possible, water-dependent industrial uses.
4. Protect the resources and ecology of the shoreline.
 - a. All shoreline uses and development should be managed to ensure no net loss of ecological functions and should avoid disturbance of wildlife resources, including spawning, nesting, rearing and feeding habitats and migratory routes.
 - b. Protect and enhance natural erosion and sediment transport processes.

- c. Take steps to remove from the harbor area contaminated sediments and other artificially placed materials, such as wood waste, abandoned structures, etc.
 - d. Manage the water area for maximum benefit and environmental quality.
 - e. Protect and restore estuarine and riparian habitats, especially at Ennis Creek.
 - f. Implement the recommendations of the Environmental Restoration Plan (Appendix D).
5. Increase public access to publicly owned areas of the shoreline.
 - a. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines.
 - b. Maintain and enhance the Olympic Discovery/Waterfront Trail through Port Angeles.
 - c. Implement the public access recommendations of the 2011 Harbor Resources Management Plan (HRMP).
 6. Increase public recreational opportunities on the shoreline.
 - a. Plan for and encourage development of facilities for water-oriented recreational use of the shoreline areas including those along Ediz Hook, public parks and trails and along the downtown waterfront.
 - b. Develop a park on publicly owned portions of the Oak Street site, which will augment the downtown waterfront as a recreational resource of statewide importance.
 - c. Implement the recreational recommendations in the HRMP.

10. Signage

a. Applicability

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

b. Policies

- 1 Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- 2 Signs should not block or otherwise interfere with visual access to the water or shorelands.

c. Regulations

- 1 All signs in 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 and signs on floats or pilings advertising for goods, services, or businesses. Overwater directional, informational, or public warning signs may be permitted.
3. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
 - a. Water navigational and highway signs necessary for operation, safety and direction.
 - b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
 - c. Off-premise, free-standing signs for public information or directional purposes only.
 - d. Temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events, when approved by the property owner and the city and removed within 10 days following the event.
4. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Temporary or obsolete signs shall be removed within 10 days of the termination of the function, closures of business, or completion of elections. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.

11. Utilities (Accessory)

a. Applicability

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

Primary utility uses and facilities, such as power generating and water treatment plants and transmission and main lines and pipes, are covered in Chapter 5.

b. Policies

- 1 Accessory utilities should be installed so as to protect the shoreline and water from contamination and degradation and to ensure no net loss of shoreline ecological functions.
- 2 Accessory utilities and -corridors should be located outside of shoreline jurisdiction to the extent feasible. When utility lines require a shoreline location, they should be placed underground if feasible.
- 3 Accessory utilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

c. Regulations

1. Accessory utilities shall be placed outside of shoreline jurisdiction when feasible. When accessory utilities must be placed within shoreline jurisdiction, they shall be placed underground, when feasible. Such utilities shall utilize existing rights-of-way, corridors, and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way, when feasible. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for accessory utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

4. 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 preferred over open trenching as a method of utility water crossing.

12. Vegetation Conservation

a. Applicability

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

Provisions in this section generally outline vegetation protection and enhancement activities. Specific provisions for vegetation conservation in specific segments of the shoreline are presented in Chapter 2.

A “vegetation conservation area” (VCA) is an area within shoreline jurisdiction where vegetation, especially native vegetation, contributing to the ecological function of shoreline areas must be protected and where it has been removed or destroyed, should be restored. VCA’s are generally measured from the shoreline a specific width landward of and perpendicular to the shoreline.

A VCA is different than a setback or than an environmentally sensitive area buffer, although they may overlap. Setbacks are established to separate a building or structure from a specific feature, which features in this SMP include the OHWM or the landward edge of a critical area buffer. Activities in setback areas have fewer restrictions and may allow landscaping or non-structural features such as roads or trails.

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.

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

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

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, property protection, and aesthetic value.
2. The removal of invasive or noxious weeds and replacement with native vegetation is encouraged of all development activities. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference given to manual removal, or if that is not practical, using mechanical rather than chemical means.
3. New development, including clearing and grading, should minimize significant vegetation removal in shoreline jurisdiction to the greatest extent feasible. Vegetation removal should be limited to the minimum necessary to accommodate the authorized use or development. When vegetation removal cannot be avoided, it should be mitigated to ensure no net loss of shoreline ecological functions.
4. Selective pruning for view maintenance should comply with the standards of Sections 15.20 and 15.24 PAMC, where applicable.
5. Ecological restoration should be considered as potential mitigation for impacts to shoreline resources and values resulting from water dependent commercial and industrial development or non-water oriented development.

c. Regulations

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

bluffs and/or marine bluff buffers shall be prohibited when such removal has the potential to exacerbate erosion. Vegetation removal in these VCAs shall be authorized in accordance with Section 15.20 PAMC as incorporated into this SMP, and shall include mitigation. Tree topping is prohibited.

2. Within VCAs, native understory vegetation (shrub and herbaceous layers) shall remain intact. Exceptions are outlined in regulation 6 below.
3. Removal of invasive plant species shall be restricted to hand removal except where no reasonable alternative to herbicides exist, and weed control is demonstrated to be in the public interest. All removed plant material shall be taken away from the site and properly discarded. Revegetation with appropriate native species is required in conjunction with such removal. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.
4. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant shall demonstrate that any VCA as required in chapter 2 will be preserved and that all construction can occur outside of and without any impacts to such areas. Exceptions may be granted for activities outlined in regulation 6 below.
5. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a vegetation conservation area may be maintained in their existing conditions, including but not limited to mowing lawns, weeding, harvesting and replanting garden crops, and pruning and replacing ornamental trees or vegetation. Such areas may be maintained in the condition and appearance as they currently exist, provided this does not apply to areas previously established as mitigation sites or areas protected by conservation easements or similar restrictive covenants.
6. The following uses or activities may be allowed in VCAs and setbacks as established in chapter 2 without a shoreline variance, provided such uses are designed, located, constructed and maintained in a manner that avoids and minimizes impacts to vegetation and achieves no net loss of shoreline ecological functions.
 - a. Uses and activities allowed in sections 15.20.080 (D) and 15.24.050 (B) of the PAMC, as incorporated into this SMP, when also allowed in the applicable shoreline environment.
 - b. Public and pedestrian trails, pathways and boardwalks, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water oriented recreational or public access uses/developments.
 - c. Authorized shoreline modifications, including shoreline restoration.
 - d. Allowed water-dependent uses in all shoreline environments.

Note that provisions in chapter 2 may expressly prohibit or limit the type or location of encroachments into the VCA in specific shoreline segments or environment designations. For example, in the HI-UU designation, viewing

towers or other public access points are only allowed on street ends or other publicly owned sites. In segment O, encroachment into the VCA along tidally influenced portions of Ennis Creek is only allowed for public access or ecological restoration. Please see chapter 2 for a full list of these limitations.

7. As a requirement of encroachment into the VCA or impacts to shoreline vegetation where there is no VCA for the activities authorized in regulation 6 above, mitigation in the form of vegetative restoration within the VCA may be required. If the use or development is within a shoreline segment that has not been assigned a VCA in chapter 2 of this SMP, mitigation shall be in the form of either vegetating some portion of the project site where equal functions can be provided, or mitigating in focus areas as identified for each shoreline segment in chapter 2. Mitigation shall be provided in an area that can be planted so as to be functionally equivalent to the area impacted, and at no less than a 1 to 1 ratio (area replaced to area lost).
8. The Shoreline Administrator may allow removal of vegetation exceeding that described in 6 above by 15% of the total area of the VCA where an applicant agrees to replacement plantings that are demonstrated to provide greater benefit to shoreline ecological functions than would be provided by strict application of this section, based upon findings of a qualified professional.
9. Non water oriented uses or development authorized within shoreline jurisdiction (only allowed as part of mixed use developments with water dependent uses or in existing developed areas in support of water dependent uses; see table 1 and chapter 5) shall provide mitigation as outlined in Chapter 5, section 4. Required mitigation shall follow the same location procedure as is outlined in regulation 7 above.
10. Proposed uses or development including vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of the application package, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading and vegetation removal. The plan and application shall include all information required by other applicable sections of the PAMC, and at a minimum must demonstrate:
 - a. Compliance with the mitigation sequence specific to proposed vegetation removal,
 - b. That clearing or grading and vegetation removal are the minimum necessary to accommodate the proposed use,
 - c. The ecological functions being provided by the shoreline vegetation proposed for removal; and
 - d. How erosion will be controlled during construction.

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

11. Where establishment of shoreline vegetation is required by this SMP, the applicant shall consult with a qualified professional to prepare a shoreline

revegetation and management plan. This plan may be combined with other required reports/plans necessary for the proposed use or development, as long as such plan documents compliance with all applicable requirements. In shoreline areas that are not also critical areas, a qualified professional may include a professional landscape ecologist or restoration biologist with professional training and experience related to shoreline ecology. The shoreline vegetation management plan shall include:

- a. Plant list and planting scheme, including a mixture of native trees, shrubs and groundcovers designed to improve shoreline ecological functions;
- b. Performance standards for evaluating the success of the mitigation or restoration project;
- c. Appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality; and
- d. A monitoring, reporting and maintenance program with conditions for replacement of plants that fail to survive.

This plan shall be recorded with the Clallam County Assessor's office as a covenant against the real property or other protective assurance as authorized by the Shoreline Administrator.

13. Water Quality and Quantity

a. Applicability

The following section applies to all development and uses in shoreline jurisdiction.

As used in this SMP, "water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, aesthetic, recreation-related, and biological conditions.

Where used in this SMP, provisions relating to water quantity refer to development and uses regulated under the SMP that affect or have the potential to affect water quantity, such as impermeable surfaces and stormwater handling practices.

b. Policies

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

constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.

3. The City should require appropriate setbacks, buffers, stormwater management facilities and encourage low-impact development techniques and materials to achieve the objective of avoiding negative impacts to water quality.
4. Shoreline use and development should minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.

c. Regulations

1. All shoreline uses and development, both during and after construction, shall avoid or minimize adverse water quality impacts.
2. All shoreline uses and development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP. Should a conflict occur, the provision most protective of the resource shall apply.
3. The bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or permanent basis, shall not occur in shoreline jurisdiction without adequate secondary containment and an emergency spill response plan in place.
4. All shoreline use and development activities approved under this SMP shall be designed and maintained consistent with the City's Storm Water Management Plan and Engineering Design Standards.

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, applies to all shoreline modification activities. The general policies and regulations section is followed by policies and regulations tailored to specific shoreline modification activities. If a shoreline development entails more than one type of shoreline modification, then all of the provisions pertaining to each type of modification apply.

Shoreline 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” is a class of shoreline modifications intended to address erosion impacts to property and structures. Shoreline stabilization measures can include structural measures such as sea walls, bulkheads, revetments, and breakwaters and can also include non-structural measures such as setbacks and groundwater management. Shoreline stabilization measures are addressed in section B(2) of this chapter.

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

Shoreline modifications may also be exempt from the requirement to obtain an SSDP when undertaken in emergency situations to protect property from damage by the elements. WAC 173-27-040(2)(d) defines an “emergency” as an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time frame too short to allow full compliance with chapter 173-27 WAC” (in other words, the time to obtain a shoreline permit or statement of exemption).

Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed, or any permit which would have been required, absent an emergency, pursuant to chapter 90.58

RCW, WAC 173-27, or this 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(2)(d)).

The Shoreline Modification Matrix (Table 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 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 for mitigation or enhancement purposes.
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:
 - a. Preventing unnecessary shoreline modifications;
 - b. Giving preference to those types of shoreline modifications that have a lesser impact on ecological functions; and
 - c. Requiring mitigation of identified impacts resulting from shoreline modifications.
4. The City should consider shoreline modification proposals based on the best available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231(2)(e).
5. Where ecological functions have been impaired, the City should plan for the enhancement of the impaired functions where feasible and appropriate while accommodating permitted uses (WAC 173-26-231(2)(f)). As shoreline modifications occur, the City will incorporate all

feasible measures to protect shoreline ecological functions and ecosystem-wide processes.

6. In reviewing shoreline permit applications, the City should require steps to reduce significant ecological impacts by following the mitigation sequence in Chapter 3, Section 1.
7. Regulations for shoreline modifications should restrict shoreline armoring or other modification on shorelines which exist in their natural state.

c. Regulations

1. All new shoreline uses and development shall be located and designed to avoid the need for shoreline modifications, both at initiation and during the life of the use or development.
2. All shoreline modifications must be in support of a permitted shoreline use or to provide for human health and safety.
3. Structural shoreline modifications may be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible.
4. Proponents of shoreline modification projects shall obtain all applicable federal and state permits prior to the start of construction and shall meet all permit requirements.
5. 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.
6. Shoreline modifications shall not cause significant adverse impacts to active sediment drift cells or natural geomorphic and hydrologic processes. New uses and development shall not be established where such will require future shoreline modifications.
7. Proposals for shoreline modification shall demonstrate compliance with the mitigation sequence in chapter 3, section 1 of this SMP, and with applicable critical areas and vegetation conservation area provisions in chapter 3.

Permitting Requirements

8. In addition to the application information required by chapter 7, the City shall require and consider the following information when reviewing shoreline modification proposals:
 - a. Construction materials and methods.
 - b. Project location relative to the top and toe of bluffs or steep slopes, 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 to property, dwellings, businesses, or essential structures caused by natural processes such as current, flood, tides, wind, or wave action. Shoreline stabilization actions include structural and nonstructural methods.

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

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

Shoreline stabilization can include:

1. Bulkheads and vertical seawalls.
2. Revetments, breakwaters, rock weirs, and groins made of large boulders (rip-rap).
3. Revetments, breakwaters, rock weirs, and groins in which the rock structures have been enhanced with special sediment, large wood or other means to increase desirable ecological functions.
4. Placement of large woody debris or other natural materials.
5. Beach enhancement.
6. Bioengineering and other measures employing native vegetation.

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.
2. New non-water-oriented development requiring bulkheads and/or similar protection should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization measures are not likely to become necessary in the future.
3. The city should give preference to shoreline stabilization measures having the least impact on ecological functions and should require mitigation for of identified any adverse impacts to ecological functions.

c. Regulations

1. All proposals for new or replacement shoreline stabilization measures shall include a geotechnical report. The geotechnical report shall address the need to prevent potential damage to an existing primary structure or legally existing use and shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion, and report on the urgency associated with the specific situation.
2. New development shall, to the extent feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization.
3. Structural shoreline stabilization for new non-water-dependent development, including single-family residences, shall be allowed only when all of the conditions below are met:
 - a. The need to protect the development from damage due to erosion caused by natural processes, such as tidal action, currents and waves, is demonstrated through a geotechnical report;
 - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage;
 - c. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, including low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - d. The development and shoreline stabilization measures will not result in a net loss of shoreline ecological functions.
4. Structural shoreline stabilization for water-dependent development shall meet all of the conditions in regulation 3 above, except that erosion does not have be caused by natural processes such as tidal action, currents and waves.

5. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis completed by a licensed geotechnical engineer in good standing in the State of Washington. Setbacks shall not be less than those required in Chapter 2 without a variance (see exceptions in chapter 3, section 12).
6. New structural shoreline stabilization to protect an existing primary structure or legally existing shoreline use, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure or use is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Such structural shoreline stabilization measures shall not result in a net loss of shoreline ecological function.
7. New structural shoreline stabilization measures to protect restoration or hazardous substance remediation projects may be authorized when non-structural methods, such as planting vegetation or installing onsite drainage improvements, are not feasible or not sufficient. Such stabilization structures shall not result in a net loss of shoreline ecological functions.
8. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect existing primary structures or principle uses from erosion caused by currents, tidal action, or waves. The replacement structure shall be designed, located, sized and constructed to assure no net loss of shoreline ecological functions. A geotechnical report shall be required to demonstrate need, except that primary structures or principal uses located within 20 feet of the OHWM do not require a geotechnical report to demonstrate need.
9. Replacement stabilization structures or bulkheads shall not encroach waterward of the OHWM or existing structure unless there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure.
10. New or replacement structural shoreline stabilization measures for flood hazard reduction may be allowed when demonstrated by a geotechnical analysis, that they are necessary to protect an existing development, that non-structural methods are not feasible, and that impacts to ecological functions and to priority species and habitats can be mitigated so as to ensure no net loss.
11. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing

structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

12. Hard structural shoreline stabilization shall not be authorized except when the geotechnical report confirms that there is a significant possibility that the primary structure or principal use will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring, or when waiting until the need is immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.
13. Where structural shoreline stabilization measures are demonstrated to be necessary, as described above, the size of such stabilization measures shall be limited to the minimum necessary. Structural shoreline stabilization measures shall be the type (e.g. revetment or bulkhead) least harmful to ecological functions while still adequately protecting against undesirable erosion. The City's Shoreline Administrator may require that the proposed structure be altered in size or design or its impacts are otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.
14. Soft shoreline stabilization measures that restore 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 stabilization activity, all disturbed shoreline areas shall be restored to pre-project conditions to the greatest extent feasible.

Design of Shoreline Stabilization

16. Shoreline stabilization measures shall be located, designed and constructed in compliance with the mitigation sequence and vegetation conservation provisions in chapter 3 of this SMP.
17. Shoreline stabilization shall be designed and developed to conform to all other applicable City, state and federal agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.
18. Because they are inherently unstable in the marine environment, gabions (wire mesh filled with concrete or rocks) are prohibited.
19. Materials:
 - a. Hard shoreline stabilization structures are not the preferred method of shoreline stabilization. Where structural shoreline measures are allowed according to the regulations above, the following are

examples of acceptable materials for shoreline stabilization structures, listed in order of preference from top to bottom:

- i. Naturally occurring materials such as logs with root wads;
 - ii. Large stones, ideally with vegetation or habitat enhancement in the gaps between the stones;
 - iii. Milled timbers. Note the prohibition against toxic wood treatments;
 - iv. Mixtures of rock and wood;
 - v. Cast-in-place 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. Materials and construction methods shall employ best management practices established to mimic or maintain natural sediment transport and accretion patterns.

Bulkheads

20. Stairs may be built as integral elements to a bulkhead but shall not extend waterward of the bulkhead.
21. 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.
22. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.
23. Backfill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any backfill in excess of this amount shall be considered fill and shall be subject to the provisions of section 4 in this chapter.
24. Bulkheads are prohibited when their primary purpose is to:
 - a. Retain or create dry land (unless this land is fill that has been specifically authorized by permit in accordance with section 4 of this chapter).
 - b. Protect a platted lot where no structure presently exists.
25. Bulkheads are permitted only where local physical conditions, such as foundation bearing material and surface and subsurface drainage, are suitable.

Breakwaters, Rock Weirs, Jetties, and Groins

26. Authorization for breakwaters, jetties, groins and weirs that substantially alter, reduce, or block littoral drift and/or cause new erosion of downdrift

shorelines shall include conditions requiring establishment and maintenance of adequate long-term beach replenishment programs to ensure no net loss.

27. Breakwaters, jetties, rock weirs, and groins shall be allowed for the following purposes only:
 - a. Legal navigation.
 - b. Water dependent industrial activities: as an integral component of a harbor, marina, or port.
 - c. Ecological restoration.
 - d. Public access.
28. 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 they will have no adverse impacts to shoreline processes or that such adverse impacts can be adequately mitigated.
29. Groin construction across tidal areas to provide access to deep water is prohibited.
30. New breakwaters, jetties, rock weirs, and groins shall provide shoreline public access (visual or physical) whenever feasible.
31. 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

32. New revetments shall be constructed and maintained so as not to reduce water quality or adversely impact fisheries or aquatic habitats.
33. New revetments shall be designed to accommodate public access to publicly owned shorelines whenever possible.
34. Riprap revetments shall:
 - a. Consist of quarried rock, free of loose dirt and pollutants, and of sufficient size and weight to prevent movement by wave or current action.
 - b. Use downed logs, snags, or rockwork to enhance habitat and to provide a more natural appearance to the shoreline, when feasible.
 - c. Include measures to ensure sediment transport along the revetment where determined to be feasible and beneficial.
 - d. Where on-site environmental conditions allow, integrate vegetation into the riprap design to reduce erosion; provide cover, shade, and habitat; and improve the natural appearance of the shoreline.

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

Bioengineering

36. Bioengineering projects shall use native trees, shrubs, grasses and/or ground cover, unless such an approach is not feasible. Non-native plants are allowed when native plants are not feasible, but in no case are noxious weeds or invasive plants allowed.
37. All bioengineering projects shall include a program for monitoring and maintenance, to ensure the long-term viability and function of such projects. Such projects shall be designed, installed and maintained to be self sustaining and viable within three years.
38. The City may require and utilize the following information, in addition to the standard permit information required in chapter 7, in its review of all bioengineering projects:
 - a. Proposed construction timing and phasing.
 - b. Hydrologic analysis, including predicted flood flows.
 - c. Site vegetation, soil types, and slope stability analysis.
 - d. Proposed project materials, including rock size, shape, and quantity; plant types and quantities, and soil preparations.
 - e. Existing and proposed slope profiles, including location of ordinary high water mark.
 - f. Proposed design for transition areas between the project site and adjacent properties.
 - g. Documentation, including photos, of existing (pre-construction) shoreline characteristics.

3. Overwater Structures

a. Applicability

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

b. Policies

1. New overwater structures should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.
2. Overwater structures should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.

3. Overwater structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.
4. Overwater structures should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of overwater structures regulated by this section should be no greater than that required for safety and practicality for the primary use.
5. Overwater structures should be constructed of materials that will not adversely affect water quality or aquatic plants and animals.
6. Overwater structures should allow for maximum littoral drift and should minimize interference with basic hydrological and geological-hydraulic processes.
7. Recreational piers are encouraged to provide for public docking, launching, and recreational access.
8. Moorage serving upland single-family residences should not be allowed.
9. Multiple uses of overwater structures should be encouraged.

c. Regulations

General Regulations for Private and Public Over-water Structures

1. See section 4 in chapter 3 for restrictions on overwater structures in critical saltwater habitat areas. Chapter 2 also contains restrictions on overwater structures in specific shoreline segments.
2. New and expanded overwater structures shall only be allowed in support of an allowed water-dependent use, public access use, or ecological restoration. New and expanded overwater structures must comply with all other applicable regulations as stipulated by State and Federal agencies. New piers or docks shall only be permitted when the applicant has demonstrated that a specific need exists.
3. All moorage and other overwater structures shall be designed and located in a manner that avoids or minimizes:
 - a. Hazards and obstructions to navigation, fishing, swimming, and pleasure boating;
 - b. Shading of beach substrates; and
 - c. Impediments to longshore sediment transport and/or movement of aquatic species.
4. All floats, ells, fingers and similar structures shall be at least 30 feet waterward of the OHWM. To prevent prop scour, mooring areas at docks, marinas, shipyards, and similar facilities must be located where there is at least 7' water depth at extreme low tide or where it can be shown that

prop scour will not adversely impact aquatic vegetation or increase suspended sediments.

5. The length, width and height of overwater structures shall be no greater than that required for the safety and practicality of the proposed use. The length of mooring and similar facilities shall be no longer than that required for the draft of the largest vessel expected to moor at the facility. The shoreline administrator shall generally defer to the dimensional requirements imposed by project-specific permit conditions by the Corps of Engineers and Washington Department of Fish and Wildlife for new docks, piers and floats, provided the applicant provides justification that such requirements are the minimum necessary.
6. No skirting is permitted on any overwater structure except to contain or protect floatation material. This regulation is to prevent adverse impacts to fish migration and natural water currents.
7. Overwater structures shall float at all times on the surface of the water or shall be of fixed-pile construction. Overwater structures shall at no time rest on the submerged land substrate.
8. All overwater structures 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. Materials for any portion of the structure that comes into or may come into contact with the water shall be approved by the Washington State Departments of Fish and Wildlife and Ecology for use in the water.
 - a. Use of wood members treated with toxic materials is not allowed in any new or reconditioned overwater structures.
 - b. Tires are prohibited as part of overwater structures.
 - c. All foam material must be completely encapsulated.
11. To minimize adverse affects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
 - a. The width of overwater structures shall be the minimum necessary. For docks, piers, and floats, this means the minimum necessary to afford safe passage. Materials that allow light to pass through the deck are required where the width exceeds four feet;
 - b. Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangways in nearshore areas; and

- c. Piers and other above water structures shall be placed as high as feasible and within the height limits established in this SMP to increase light transmission.
12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. Temporary moorage shall be designed and constructed such that upon termination of the project, the aquatic habitat in the affected area will return 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 an overwater structure 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. Overwater structures shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finishes of structures themselves shall be generally non-reflective.
16. New piers or docks serving upland single-family residential uses are prohibited.

Mooring Buoys and Piles

17. Mooring buoys and mooring piles are permitted only where there is no conflict with navigation or significant ecological impact to submerged lands and habitats. Mooring buoys and mooring piles serving a private residential property are prohibited. Mooring buoys and mooring piles for which there is no demonstrated commercial or navigational need are prohibited.
18. Installation of new mooring buoys or relocation of existing buoys shall not impede navigation.
19. The use of buoys for moorage of vessels shall be preferred over piling or float structures.
20. Mooring buoys shall be located in a manner that minimizes impacts to eelgrass, critical saltwater habitats, and other ecologically important areas.
21. All new mooring buoy and pile installations must comply with all applicable guidelines of the Washington State Department of Fish and Wildlife.
22. Mooring buoys in the Aquatic Harbor environment designation are limited to four buoys per acre (consistent with the US Army Corps' limitation under the Endangered Species Act).

Special Facilities on Overwater Structures

23. 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.
24. 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.
25. 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.
26. 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 structures, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill in upland areas is differentiated from landfill. A landfill is the disposal of solid waste materials by burying, and may also be known as a sanitary landfill. Landfill is prohibited in the shoreline jurisdiction.

Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

b. Policies

1. Fill waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal or capping of contaminated sediments, ecological restoration, and other water-dependent uses that are consistent with this SMP.
2. Shoreline fill should be designed and located so there will be no significant adverse ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent property or natural resources. Fill is only appropriate for use in altering currents, drainage, channel migration, etc. when it is done as part of an approved ecological restoration plan or project.
3. The perimeter of fill areas should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural-appearing and self-sustaining control methods are preferred over structural methods.

4. Environmental cleanup actions involving excavation/fill, as authorized by Washington Department of Ecology, may be permitted.

c. Regulations

1. Fill waterward of OHWM requires a Conditional Use Permit and may be permitted only when:
 - a. In conjunction with a water-dependent or public access use permitted by this SMP; or
 - b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
 - c. As part of an approved shoreline restoration project. Fill waterward of the ordinary high water mark that is for the purpose of restoring ecological functions and habitat or as part of an approved environmental cleanup action is a permitted use and does not require a conditional use permit unless the proposed fill material includes dredge spoils.
2. Overwater structures shall be supported by piles or piers rather than fill material whenever feasible.
3. In addition to the requirements in chapter 7, applications for fill permits shall include the following:
 - a. Proposed use of the fill area.
 - b. Physical, chemical, and biological characteristics of the fill material.
 - c. Source of fill material.
 - d. Method of placement and compaction.
 - e. Location of fill relative to natural and/or existing drainage patterns and wetlands.
 - f. Location of the fill perimeter relative to the OHWM.
 - g. Means of perimeter erosion control or stabilization.
 - h. Type of surfacing and runoff control devices.
4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant ecological damage to water quality, fish, wildlife, fish and/or wildlife habitat, and critical saltwater habitats.
 - b. Adversely alter natural drainage and circulation patterns, currents, or significantly reduce flood water capacities.
 - c. Alter channel migration, geomorphic, or hydrologic processes.
5. Sanitary landfills shall not be located in any shoreline jurisdiction.

5. Dredging and Disposal

a. Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated wetland. Activities which may require dredging include the construction and maintenance of navigation channels, levee construction, recreation facilities, boat access, and ecological restoration.

Dredged material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of dredge spoils (the by-products of dredging).

b. Exemptions

Pursuant to WAC 173-27-040(2)(b), maintenance dredging may be exempt from the requirement for a shoreline substantial development permit.

c. Policies

1. Dredging operations should be planned and conducted to avoid and minimize interference with ecological processes and functions, navigation, and adverse impacts to other shoreline uses, properties, and values.
2. New uses and development should be located, planned and designed to avoid the need for dredging.
3. When allowed, dredging and dredged material disposal should be limited to the minimum amount necessary. Maintenance dredging of established navigation channels should be limited to maintaining previously authorized locations, depth and width.
4. Disposal of dredged material within a littoral drift zone should not be permitted unless it is associated with restoration of natural processes and functions or habitat enhancement.
5. Dredged material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredged material on land would be more detrimental to shoreline resources than deposition in water areas.
6. When dredged material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach enhancement, habitat creation, aggregate, or clean cover material at a landfill (where appropriate).
7. Dredging waterward of the OHWM for the primary purpose of obtaining fill should not be allowed.
8. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels should be allowed when necessary for assuring safe and efficient accommodation of existing navigational uses

and only when significant ecological impacts are minimized and when mitigation is provided.

d. Regulations

1. New uses and development shall be located and designed to avoid or minimize the need for new or maintenance dredging, where feasible.
2. Maintenance dredging of established navigation channels, public access facilities, and basins is allowed to maintain previously dredged areas and existing authorized locations. The dredging shall be restricted to previously authorized locations, depths, and widths.
3. Dredging waterward of the OHWM for the primary purpose of obtaining material for fill is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be associated with a Model Toxics Control Act (MCTA) or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) habitat restoration project or other significant habitat enhancement project. The placement of dredge spoils waterward of the OHWM or in wetlands for such purposes shall require a Conditional Use Permit.
4. Sites approved through the Puget Sound Dredged Disposal Analysis (PSDDA) Management Plan do not require a conditional use permit when the material has been determined to be “suitable” for open water disposal after testing using PSDDA criteria and procedures.
5. Dredging and dredged material disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant or ongoing damage to water quality or aquatic and upland habitat;
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce flood water capacities; or
 - c. Cause other significant ecological impacts.
6. Proposals for dredging and dredged material disposal shall be the minimum necessary to accommodate the proposed use, and shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish migration and important localized biological communities.
7. Dredging and dredged material disposal shall be carefully scheduled to protect biological productivity (e.g. fish migration, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
8. Dredging and dredged material disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places.

9. Dredging shall be permitted only:
 - a. For navigation or navigational access and recreational access;
 - b. Where necessary to support a water-dependent use;
 - c. As part of an approved restoration project;
 - d. To improve water quality or remove contaminated sediments;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
 - f. To maintain existing docks, wharves, water intakes, and culverts, bridges, wastewater treatment facilities, outfalls.
10. New dredging activity is prohibited in critical saltwater habitats, unless all of the provisions in chapter 3, section 4 are met.
11. In addition to the requirements in chapter 7, applications for shoreline dredging and dredged material disposal shall include all applicable information as required by State and Federal permitting agencies.
12. Dredge spoil disposal waterward of the OHWM shall utilize techniques which limit the dispersal and broadcast of materials unless specifically designed and approved as a dispersal site.
13. When used for beach enhancement, dredge spoil placement shall be conducted so that:
 - a. The spoils do not smother marsh or other shallow productive areas, and
 - b. The disposed spoils maintain a stable beach profile, to the extent feasible. Spoils shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish or other ecological impacts.
14. Dredged materials shall not be disposed of in locations that adversely affect or diminish public access to shorelines and water bodies.
15. The City's Shoreline Administrator may impose reasonable limitations on dredging operation periods and hours and may require buffers at land disposal or transfer sites in order to protect the public safety and other lawful interests from unnecessary adverse impacts.

6. Shoreline Restoration

a. Applicability

"Shoreline restoration" or "ecological restoration" is the significant re-establishment or the improvement of shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments or substances. To restore does not necessarily mean returning the shoreline area to aboriginal or pre-European settlement condition. The materials used are dependent on the condition of

and intended use of the shoreline area. Along armored shorelines, activities such as rip rap removal, slope cut-back, sediment amendment and placement of materials like wood may be necessary for restoration.

The Shoreline Restoration Plan accompanying this SMP recommends ecological restoration measures and identifies programmatic opportunities for restoration. The Shoreline Restoration Plan is not intended to limit other restoration projects. Individually, restoration projects proposed and conducted specifically for the purpose of establishing, restoring or enhancing habitat for priority species in shoreline jurisdiction are a preferred action.

b. Policies

1. The City should consider shoreline restoration as an alternative to structural shoreline stabilization and protection measures where feasible.
2. All shoreline restoration projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
3. Where possible, shoreline restoration should use maintenance-free or low- maintenance designs.
4. The City should pursue the recommendations in the Shoreline Restoration Plan prepared as part of this SMP update. The City should give priority to projects consistent with that plan and other adopted plans. Restoration projects should pursue legitimate restoration needs and priorities.

c. Regulations

1. Shoreline restoration may be permitted if the project proponent demonstrates that no significant adverse impacts to sediment transport will result and that the restoration measure will not adversely affect ecological processes, properties, or habitat.
2. Shoreline restoration projects shall use best available science and management practices and shall comply with all federal and state regulations and procedures.
3. Shoreline restoration shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
4. Shoreline restoration projects may be permitted in all shoreline environments. The project does not need to be noted in the Shoreline Restoration Plan but it must not be contrary to the principles and general objectives of the plan.
5. Shoreline restoration projects conducted by a public entity shall include or improve public access where feasible.
6. Shoreline restoration projects may include shoreline modification actions such as vegetation removal, shoreline stabilization, dredging, or filling provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

7. Dikes and Levees

a. Applicability

Dikes and levees are manmade earthen embankments created for the purpose of flood control, water impoundment projects, or settling basins.

b. Policies

1. Structural flood hazard reduction measures should be avoided whenever possible. When evaluating alternative flood control measures, the City should consider the removal or relocation of structures in flood-prone areas.
2. Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program.
3. Environmental enhancement measures and, where feasible, public access improvements should be a part of levee or dike proposals.

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval requirements, federal levee criteria, and in consideration of other applicable resource agency recommendations.
2. Dikes and levees shall protect the natural processes and ecological functions associated with marine shorelines, streams and deltas, including, but not limited to, fish and wildlife habitat.
3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.
5. Public access to shorelines shall be an integral component of all public entity levee projects. Public access shall be provided in accordance with the public access policies and regulations contained in chapter 3. New dikes or levees must not impede or diminish public access.
6. Proper diversion of surface discharge shall be provided to maintain the integrity of natural streams, wetlands, and drainages.
7. Structural flood hazard reduction measures shall only be authorized when demonstrated by a geotechnical report that they are necessary to protect existing development, that nonstructural means are not feasible, that impacts on ecological functions and habitat for priority species can be successfully mitigated so as to achieve no net loss.
8. Proposals for dikes and levees shall comply with the mitigation sequence and vegetation conservation provisions in chapter 3 of this SMP.

9. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan or other comprehensive effort that considers impacts to the watershed.
10. New structural flood hazard reduction measures shall be located landward of associated wetlands and designated vegetation conservation areas, where feasible.

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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.
2. The City should ensure that all proposed shoreline uses and development will not diminish the public's health, safety, and welfare, or adversely impact ecological functions.
3. The City should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.

c. Regulations

1. All uses not explicitly covered in the SMP require a conditional use permit. The City's Shoreline Administrator shall impose conditions on all shoreline permits and exemptions as needed to ensure that the proposed use or development meets the policies of this SMP.
2. Non-water oriented uses and development are generally not allowed in shoreline jurisdiction. There are exemptions in specific shoreline environment designations or situations (see chapter 2 and table 1). Developments that include a mix of water-oriented and non-water-dependent uses may be allowed provided the non-water-oriented uses functionally

support, are subordinate to and compatible with the water-dependent uses and otherwise comply with the provisions of this SMP.

- a. In no case shall the non-water oriented use be located waterward of the water dependent use.
- b. Only water dependent portions of the use that require direct shoreline access may be located within the setback or a required vegetation conservation area.
- c. Encroachments into a required VCA shall be mitigated in accordance with chapter 3 section 12.

2. Aquaculture

a. Applicability

Aquaculture is the farming or culturing of fish, shellfish, or other aquatic plants and animals. The culture of aquatic plants or animals in tanks on upland shoreline areas is also considered to be an aquaculture use. Aquaculture does not include the harvest of wild geoduck associated with the State-managed wildstock geoduck fishery, or activities on private property for personal consumption.

Aquaculture activities include, but are not limited to, the hatching, cultivating, planting, feeding, stocking, disease treatment, cleaning, waste disposal, storage, staging, raising and harvesting of aquatic plants and animals, and the maintenance and construction of associated equipment, buildings and growing areas. Excluded from this definition are related industrial uses, such as final processing, packing and freezing, and commercial uses such as wholesale and retail sales. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the culture of clams and oysters on tidelands and subtidal areas.

b. Policies

1. Within the Port Angeles Harbor, the maintenance and improvement of water quality and other ecological functions, navigation, public access, tribal fishing activities and aesthetics are significant public objectives. These objectives should take precedence in shoreline areas, when inconsistent with new or expanded aquaculture activities.

Consideration should be given to both the possible positive impacts and the possible adverse impacts that new and expanded aquaculture uses and development may have on these public objectives.

2. Forms of aquaculture that involve minimal environmental and visual impacts are preferred. Aquaculture uses and development that involve little or no substrate modification are preferred over those that involve substantial substrate modification.
3. Aquaculture uses and development that restore native shellfish species should be encouraged.

4. Public access to tidelands and public shellfish harvesting areas should not be adversely impacted by new or expanded aquaculture activities. Aquaculture should not be permitted where it would adversely impact eelgrass and microalgae, or significantly conflict with navigation and other water dependent uses.
5. 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 aquaculture interests to determine the suitability of proposed locations, aquaculture types and design and implementation requirements for individual proposals.
6. Aquaculture projects should locate in areas where biophysical conditions, such as tidal flow, currents, water temperature and depth, will avoid and minimize adverse environmental impacts. Individual projects should be separated by a distance sufficient to ensure that significant adverse cumulative effects do not occur.
7. 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.
8. Some forms of aquaculture are dependent on the use of the water area; when consistent with control of pollution and prevention of damage to the environment, water-dependent aquaculture uses and development are a preferred use of the water area.

c. Regulations

1. Applicants shall include in their shoreline permit applications all information required by State and Federal permit applications for new and expanded aquaculture uses and development. Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts, existing shoreline or water conditions and/or uses, vegetation, and overwater structures. For floating and above-water facilities, the City shall reserve the right to require a visual impact analysis be conducted, using a method approved by the City. Generally, the methods for identifying and analyzing potential visual and cumulative impacts will follow the principles in the Aquaculture Siting Study, Washington State Department of Ecology publication number 86-10-000 (October 1986).
2. The location of floating and submerged aquaculture structures shall not significantly:
 - a. Restrict navigation to or along the shoreline;
 - b. Interfere with general navigation lanes and boating traffic; or
 - c. Interfere with Tribal "usual and accustomed" fishing locations.

Floating structures associated with aquaculture uses and development shall remain shoreward of principal navigation channels.

3. No aquatic organism shall be introduced into waters regulated by this SMP without prior written approval of the Washington Department of Fish and Wildlife or other appropriate regulatory agency. Such approval shall be submitted in writing to the City prior to the granting of any shoreline permit.
4. Aquaculture structures and activities that are not water-dependent (e.g., warehouses for processing or storage of products and parking lots) shall not be located in the Aquatic environment designations and shall be located, designed and constructed to avoid and minimize adverse impacts to the shoreline.
5. All structures and equipment associated with aquaculture activities shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired by the owner. Where any proposed structure has the potential to constitute a hazard to the public, the City may require the posting of a bond commensurate with the cost of removal or repair. Following notice to the owner, the City may abate an existing abandoned or unsafe aquaculture structure if the owner fails to respond in thirty days. The City 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.
6. Aquaculture 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.
7. Aquaculture activities and facilities shall be located where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as outlined in chapter 3. Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable State or Federal regulations. Larger buffers or other protections may be required if supported by relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to the mitigation sequencing requirements of this Program (chapter 3, section 1).
8. Predator control shall not involve the intentional killing, injury or abusive harassment of birds or mammals. Control methods shall comply with federal and state regulations.
9. When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and ~~or~~ planting or stocking of the facility or farm. Authorization to conduct such activities shall be valid for a period of five (5) years with a possible extension per chapter 7 of this Program. After the aquaculture use or development is established under the shoreline permit, continued operation of the use or development, including, but not limited to, maintenance, harvest, replanting, restocking or

changing the culture technique or species cultivated shall not require a new, renewed or revised permit unless otherwise provided in the conditions of approval or this Program. Permit revisions shall proceed in accordance with WAC 173-27-100. Changing of the species cultivated shall be subject to applicable standards of this Program.

10. A new permit is required when:
 - a. The physical extent of the use or development or associated overwater coverage is expanded by more than ten percent (10%) compared to the conditions that existed as of the effective date of this SMP. If the amount of expansion or change in overwater coverage exceeds ten percent (10%), the revision or sum of the revision and any previously approved revisions shall require the applicant apply for a new permit;
 - b. The use or development proposes to cultivate a species not previously cultivated within Port Angeles' jurisdictional waters; or
 - c. New chemicals not previously approved as part of the existing permit are proposed for use.
11. Floating/hanging aquaculture structures and associated equipment shall not exceed six (6) feet in height above the water's surface. The six foot height limit shall not apply to vessels or materials/apparatus removed from the site on a daily basis.
12. 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.
13. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.
14. Aquaculture use and development that requires attaching structures to the bed or bottomlands shall use anchors that minimize disturbance to substrate.
15. Aquaculture projects shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.
16. Aquaculture facilities are required to identify and use best management practices to minimize impacts such as light and noise from the construction and management of the facilities.
17. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant/proponent and the affected tribe(s). The Administrator will notify affected tribes of new shoreline permit applications in the manner outlined in chapter 7.
18. Additional standards for commercial geoduck aquaculture:
 - a. In addition to the standards above, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

- b. All permits shall take into account that commercial geoduck operators have the right to harvest geoduck once planted.
- c. All subsequent cycles of planting and harvest shall not require a new CUP, subject to WAC 173-27-100.
- d. A single CUP may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the Program's jurisdiction.
- e. Commercial geoduck aquaculture workers shall be allowed to accomplish on-site work during low-tides, which may occur at night or on weekends. Where such activities are necessary, noise and light impacts to nearby residents shall be mitigated to the greatest extent practicable.
- f. Where an applicant proposes to convert existing non-geoduck aquaculture to geoduck aquaculture, a Conditional Use permit shall be required.
- g. In addition to the requirements in chapter 7, applications for commercial geoduck aquaculture shall contain all of the items identified in WAC 173-26-241 (3)(b)(iv)(F).

3. Boating Facilities

a. Applicability

Boating facilities include marinas; dry storage and wet-moorage types; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts. Elements of boating facilities, such as piers, docks, or mooring buoys, may also be subject to the provisions for overwater structures in chapter 4. Docks, piers or boat launches associated with single-family residences are not considered boating facilities.

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide a centralized site for extended moorage for more than four (4) vessels, including yachts, commercial or research vessels, and small pleasure craft. For regulatory purposes, 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 launches and businesses offering supplies and services for boaters and boat operators are often associated with marinas. These uses are considered accessory to the marina when subordinate in size and scale to the primary marina use. Other accessory uses found in marinas and boating facilities may include fuel docks and storage, boating equipment sale and rental, wash-down facilities, fish cleaning stations, vessel repair services, public launching, bait and tackle shops, potable water, waste disposal, administration and maintenance structures, parking, eateries, grocery and dry good sales.

The above listed uses and modifications are subject to the regulations established for those uses and modifications, in addition to the standards for boating facilities established in this section. If there is a conflict, the Shoreline Administrator shall determine the applicable standards in a manner most protective of shoreline resources.

b. Policies

1. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the surrounding area and will not unreasonably impair shoreline views.
2. Boating facilities should be located in areas of low biological productivity and outside of fish migration routes to the extent feasible. Adverse impacts to ecological processes or life forms should be mitigated.
3. Launch areas for non-motorized, hand-held craft should be provided at appropriate public access sites.
4. Existing public moorage and launching facilities should be retained and maintained.
5. New marina facilities and improvements to existing marinas should be designed to include public access and enjoyment of the shoreline, for example walkways, viewpoints, restroom facilities, and other recreational uses consistent with the scale of the facility.
6. On State-owned aquatic lands, boating facilities should adhere to the standards and requirements of the Washington State Department of Natural Resources (DNR).

c. Regulations

1. The applicant is responsible for complying with all applicable state and federal agency requirements and procedures relating to the construction and operation of boating facilities and associated uses or developments.
2. New boating facilities shall not significantly impact the rights of navigation on waters of the state.
3. Boating facilities shall not be located where significant ecological impacts would result and shall not adversely affect critical saltwater habitats (see Chapter 3, section B).
4. Boating facilities shall comply with the mitigation sequence outlined in chapter 3, section 1 as well as all applicable critical area and vegetation conservation standards in Chapter 3 of this SMP.

Design/Renovation/Expansion

5. Boating facilities shall be located on stable shorelines and designed so as to:
 - a. Provide thorough water/tidal exchange and circulation in enclosed water areas.

- b. Maintain intertidal and shallow subtidal migratory pathways for juvenile fish species and other aquatic life requiring shallow water habitat.
 - c. Minimize interference with sediment transport or other coastal processes and disruption of existing shoreline ecological functions.
 - d. Minimize the adverse impacts of shade on the water's surface resulting from overwater structures through means such as (but not limited to):
 - i. Minimization of overwater coverage;
 - ii. Elevation of piers above the water to the maximum extent reasonable
 - iii. Limiting floats in the nearshore area;
 - iv. Incorporating grated decking or other materials that allow light penetration; and
 - v. Other design measures.
 - e. Minimize the need for channel construction or dredging, maintenance dredging, filling, beach enhancement, and other shoreline modification activities.
6. Moorage of floating homes, house barges and/or houseboats in marinas is prohibited.
7. Up to 10% of the total number of slips in a new marina may be occupied by live-aboards (boats with people living on them as their primary residence). The Port of Port Angeles Boat Haven Marina may provide for up to 30 live-aboards or 10% of the total number of slips, whichever is larger. Live-aboards may provide a sense of security due to on-site human presence.
8. All marinas shall include measures for sewage pump-out and disposal. Boat waste disposal facilities (pump-outs, dump stations and toilets) shall be considered and located within marinas on an individual basis through consultation with the Departments of Health, Ecology and Parks as applicable.
9. In addition to the application requirements in chapter 7, the City shall require and utilize the following information in its review of new or expanded marina proposals:
- a. Existing 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 species within the backshore, foreshore, and aquatic environments.
 - d. Bathymetric contours (1-foot increments).
 - e. Ownership and lease agreements of submerged lands.
 - f. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shoreline stabilization and flood protection necessary.

- g. Impact upon existing shoreline and water uses, and anticipated demand for shoreline and water uses including public access, recreation, and views.
 - h. Location of accessory facilities, including sewage disposal, water quality and invasive species transfer controls (e.g., wash down facilities),
 - i. Overwater coverage and associated shading,
 - j. Provisions for the prevention and control of fuel spillage and management of storm water, and
 - k. A landscaping plan (see regulation 12 below). The landscaping plan shall identify the size, location and species of plants that will be used. Native species are required, where feasible. Such plan shall also outline maintenance and monitoring steps, and may include a financial security requirement, to ensure all landscaping is viable and self sustaining after three years.
10. Accessory uses at marinas or public launch ramps shall be limited to those which are water-dependent, water-related or water-enjoyment or that functionally support marina activities or users (e.g., public restrooms, harbormaster offices, etc.). Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.
11. Marinas shall not locate where they would impair significant littoral drift, including adjacent to feeder bluffs, accretion beaches, points, spits and hooks, wetlands and lagoons, and estuaries. Marinas also shall not locate where they would result in adverse impacts to significant fish and shellfish spawning and rearing areas.
12. The perimeter of new or expanded parking, dry moorage and other storage areas shall be landscaped to provide and maintain a visual buffer between adjoining dissimilar uses or scenic areas.
13. Public access, both visual and physical, shall be an integral part of all new or expanded marinas or public launch ramps. The type/design of public access shall be consistent in scale and intensity with the proposed boating facility in accordance with the public access requirements in chapter 3. New and expanded boating facilities must ensure the following:
- a. Existing or potential public access along beaches is not unnecessarily blocked or made dangerous, and public use of the waters below the ordinary high water mark is not unduly impaired.
 - b. Where allowed, covered moorage shall not be constructed where visual access from public access areas is significantly impaired and/or the views of significant numbers of residences are blocked.
14. Upland facilities shall be designed and managed in compliance with the Port Angeles Urban Services and Standards Guidelines manual in order to minimize or prevent negative impacts to water quality. Impervious surfaces shall be minimized to the extent feasible.

15. Boating facilities and accessory uses shall share parking facilities to the maximum extent feasible, with boating facility usage given the preference for utilizing parking within shoreline jurisdiction.
16. Public boat launch facilities shall provide and maintain rest rooms or portable toilets. All marinas with over 20 moorage slips shall provide rest rooms and showers for boaters' use. Restrooms and showers shall be located outside of shoreline jurisdiction to the extent feasible. Marinas shall provide one toilet and hand washing facility for each sex per fifty moorage sites; signs shall be posted so that the rest rooms are easily identifiable to the boating public.
17. Pipes, plumbing, wires and cables at marinas shall be placed at or below ground and dock levels.
18. Marinas shall include facilities, equipment and shall post established procedures for the containment, recovery and mitigation of spilled petroleum, sewage and/or toxic products and debris from maintenance and repair practices.
19. Garbage and recycle receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site. This should include separate receptacles for waste oil and other potentially hazardous or toxic waste.
20. Moorage facilities within marinas shall be equipped with functional lifesaving equipment such as life rings, hook and ropes. Adequate fire protection shall be required as per the City adopted Fire Code.

Boat Launches

21. Public launch ramps shall be located where upland and aquatic access are appropriate for the scope of the facility so that parking and circulation do not adversely impact neighboring uses or the public rights of navigation.
22. Ramps shall be placed and kept near flush with the foreshore slope to minimize the interruption of shoreline processes.
23. The maximum waterward intrusion of any portion of any launching ramp shall be the point where the water depth is sufficient for launching the type of boat for which the launch is designed.

Covered Moorage

24. Covered moorage is prohibited outside of the Port of Port Angeles Boat Haven Marina.
25. When new covered moorage or the replacement of existing covered moorage is proposed within the Boat Haven Marina, the applicant shall provide a detailed plan indicating:
 - a. The location, size and general design of the proposed structure;
 - b. The impact on shoreline views from public access points within the marina and from adjacent public properties and residences; and

- c. That the structures will be built to conform to the City building code, withstand stresses from anticipated storm and weather conditions or damage by fire, and that exterior wall and roof coverings shall be of noncombustible or fire-retardant-treated material and so certified or labeled.
26. The maximum height for covered moorage is 20 feet above the ordinary high water mark.

Mooring Piles and Buoys

27. Mooring buoys shall be located as close to the shoreline as possible but outside of critical saltwater habitats. Mooring buoys shall be designed to eliminate damage (e.g., from the scour of anchoring chains or cables) to eelgrass and kelp beds. Consult with the Clallam Marine Resources Committee for advice and assistance in this regard. See also regulations for mooring buoys in Chapter 4, section 3.
28. Buoys shall be discernible under normal daylight conditions at a minimum of 100 yards and shall have reflectors for nighttime visibility.
29. Mooring buoys shall be clearly marked with the owner's name, contact information, and permit number(s).
30. The installation and use of mooring buoys shall be consistent with all applicable state and federal laws and standards.
31. Vessels shall not moor on waters of the state for extended periods unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

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 Industry, Boating Facilities, Transportation Facilities, and Utilities (accessory). Commercial uses and development must meet all applicable requirements established by the SMP.

b. Policies

1. New commercial development located in shoreline jurisdiction should be limited to those which are water oriented as defined herein. Non- water oriented development is strongly discouraged and should not displace water-oriented development in shoreline areas. Non-water oriented uses and development should only be allowed where:
 - a. It is a subordinate part of a mixed use development;
 - b. The primary use in the mixed use development is water dependent;
 - c. The non-water oriented portion of the development is located landward of all water oriented uses; and
 - d. The non-water oriented use does not interfere with or displace a water dependent use.

Non-water oriented commercial uses and development may also be allowed on a site that is physically separated from the shoreline by another property or public right of way.

2. Water related and water enjoyment commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.
3. Multiple-use concepts which include ecological restoration, open space area and recreational activity should be encouraged in commercial developments.
4. All new non-water-oriented commercial development, where allowed, should be conditioned with the requirement to provide ecological restoration and public access.

c. Regulations

1. Non-water-oriented commercial uses and developments shall be permitted in shoreline jurisdiction only where they are either on a site separated from the shoreline by another property, a public trail, or street right-of- way, or where all four (4) of the following can be demonstrated:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed use or development does not displace a water-oriented use, usurp land currently occupied by a water-oriented use, and will not interfere with adjacent water-oriented uses.
 - c. The proposed use or development will provide a significant public benefit with respect to the objectives of the SMA by providing ecological restoration and/or public use of or access to the shoreline.
 - d. The proposed use or development is part of a mixed use development where the primary use is water dependent.
2. Commercial uses and development shall be designed to avoid and minimize ecological impacts, to mitigate for any unavoidable ecological impacts, to

protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline's visual qualities. The City may include conditions in permits for commercial uses and development to address such issues, including but not limited to conditions that limit operation intensity, require landscaping or screening, etc. as the administrator deems appropriate. Such conditions shall be based on the site and nature of the proposed use, adjacent uses, and relevant or applicable studies.

3. All new or expanded water-related and water-enjoyment commercial uses and developments shall mitigate impacts to shoreline resources and values by providing ecological restoration and public access, unless such measures are demonstrated to be infeasible. Restoration that is required as mitigation in this context shall comply with the regulations in Chapter 3, section 12.
4. All commercial loading and service areas shall be located and/or screened to minimize visual impacts to public shoreline areas. If such facilities cannot be located to avoid impacts, parking and service areas shall be screened from view from public access areas by a 10-foot strip of landscaping with shrubs that will be at least 3 feet high within two years of planting and trees a minimum of 2-inch caliper spaced at species-appropriate distances.
5. All new or expanded commercial uses or developments located adjacent to the Olympic Discovery/Waterfront Trail shall provide a minimum 10-foot-wide strip of landscaping between the building and the trail. The landscaping shall include:
 - a. Shrubs that will grow to at least 3 feet high within two years of planting;
 - b. Vegetative ground cover that will cover the planted area within at least two years;
 - c. Trees will be required if the Administrator determines there is sufficient space depending on the setting and the desired tree species;
 - d. A sight-obscuring fence is not required; and
 - e. The City Shoreline Administrator may modify required landscaping patterns within these areas to avoid safety and security concerns.
6. If the setback standards in Chapter 2 conflict with those for the commercial use or zone established in the most current version of PAMC Title 17, the most restrictive shall prevail.
7. The City shall require and evaluate the following information in its review of new or expanded commercial use or development proposals:
 - a. Nature of the commercial activity (e.g. water-dependent, water-related, water-enjoyment, non-water-oriented, mixed-use), including a breakdown of space requirements for each component;
 - 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, alternative mixes of water-oriented and non-water-oriented uses and activities, structure locations, site design and bulk considerations, alternative public access opportunities, and other considerations addressing the goals and policies of the SMP. In mixed use proposals:
 - i. Water dependent uses shall be the primary use;
 - ii. Uses subordinate to the primary water dependent use shall be smaller in scale and use than the primary use;
 - iii. Uses subordinate to the primary water dependent use shall be located landward of the primary use; and
 - iv. Uses subordinate to the primary water dependent use shall not be located within a required VCA or setback.
8. Commercial development shall be consistent with the character and features of the surrounding area.
9. Non-water dependent commercial developments are prohibited over water unless the use is part of a mixed-use development with a primary water dependent use.
10. Commercial uses authorized as water related or water enjoyment uses or developments shall incorporate appropriate design and operational elements so they meet the definition of water related or water enjoyment uses.

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), in-water log rafting and handling, petroleum storage and handling, transport and storage operations, paper, pulp and wood products production, concrete and asphalt batching, construction, manufacturing, and warehousing. Boat building, ship repair, and major boat repair that involves haul-out may be considered an industrial use.

b. Policies

1. Regional and statewide needs for industrial facilities should be carefully considered in reviewing proposals for new industrial uses and development as well as in designating shorelines for such uses or development. Such consideration and designation should be coordinated with the Port of Port Angeles.
2. Expansion or redevelopment of existing, legally established industrial areas, facilities and services that could incorporate mixed-use development are encouraged over new single-purpose industrial areas or facilities.
3. Joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities is strongly encouraged in waterfront industrial areas.

4. New industrial development should be required to provide physical and/or visual access as outlined in chapter 3, when feasible and when such access does not cause significant interference with industrial operations or hazards to life and property.
5. Dry land storage of logs is preferred over in-water log storage.
6. New non-water oriented industrial developments should not be located within shoreline jurisdiction, unless the use is part of a mixed use project that includes water dependent uses and provides a significant public benefit. Non-water oriented industrial uses and development may also be allowed on a site that is physically separated from the shoreline by another property or public right of way.

c. Regulations

1. New industrial uses or developments, or significant expansion or intensification of existing industrial uses or activities, shall be consistent with the Port Angeles Harbor Resource Management Plan, and be accompanied by a feasibility or use analysis acceptable to the City that assesses regional or state-wide need.
2. Non-water oriented industrial development is only allowed within shoreline jurisdiction when:
 - a. The non-water oriented industrial use or development is part of a mixed use development and is subordinate to and located landward of the primary water dependent use;
 - b. The underlying zoning allows industrial uses; and
 - c. A water-oriented industrial use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.

Non-water oriented industrial development may also be allowed within shoreline jurisdiction when located on sites that are separated from the shoreline by another property or public right of way, and when allowed by the underlying zoning.

3. Existing non-water oriented industrial development in shorelines jurisdiction may be permitted to expand upland from existing structures but not parallel to or waterward toward the OHWM upon approval of a conditional use permit. Waterward expansion of existing non-water-oriented industry is prohibited.
4. Long-term storage and/or disposal of industrial wastes is prohibited within shoreline jurisdiction. Wastewater treatment systems may be allowed in shoreline jurisdiction only if alternative areas outside of shoreline jurisdiction have been proven infeasible.
5. Waste disposal, except clean soils and clean dredge spoils, is prohibited within shoreline jurisdiction. Temporary storage of waste is allowed provided all applicable regulations governing storage are a part of the design. The Shoreline Administrator shall establish the time period allowed for temporary storage in the shoreline permit or exemption.

6. New or expanded facilities for water transport of bulk, crude or other forms of petroleum in vessels over 125,000 deadweight tonnage shall be limited to segments of the shoreline designated HI-I or HI-M and adjacent aquatic areas.
7. New or expanded port and/or industrial developments shall employ the best available technology, practices and procedures for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of any spills that do occur.
8. Industrial display and other exterior lighting shall, to the extent feasible, be designed, shielded, and operated to avoid illuminating the water surface and to reduce light pollution into the night sky and residential areas.
9. All industrial loading and service areas shall be located and/or screened to minimize visual impacts to public shoreline areas. If such facilities cannot be located to avoid impacts, parking and service areas shall be screened from view from public access areas by a 10-foot strip of landscaping with evergreen trees and shrubs that will provide a full visual screen within five years of planting. The Administrator may modify required landscaping patterns within these areas to avoid safety and security concerns.
10. All new or expanded industrial uses or developments located adjacent to the Olympic Discovery/Waterfront Trail shall provide a minimum 10-foot-wide strip of landscaping between buildings and the trail. The landscaping shall include:
 - a. Shrubs that will grow to at least 3 feet high within two years of planting;
 - b. Vegetative ground cover that will cover the planted area within at least two years;
 - c. Trees will be required if the Administrator determines there is sufficient space depending on the setting and the desired tree species; and
 - d. The City Shoreline Administrator may modify required landscaping patterns within these areas to avoid safety and security concerns.
11. Low Impact Development (LID) techniques shall be incorporated into the design of new industrial uses and development, where feasible.
12. Industrial activities, including ship and boat building and repair yards, shall employ Best Management Practices (BMPs) concerning the various services and activities they perform and their impacts on water quality. Industrial uses and activities shall adhere to the applicable standards in the City of Port Angeles Urban Services Standards and Guidelines.
13. The City may require that new or expanded upland industrial development be set back and buffered from adjacent shoreline properties used for nonindustrial purposes in accordance with PAMC 17.34.050 B. Such setbacks or buffers are intended to minimize conflicts between incompatible uses and to minimize the impacts of noise and dust that may be generated by industrial activities. If the Administrator determines that buffers are required as outlined above, such buffers shall be a minimum of 10 feet in width, and

planted with vegetative materials that will reach 6 feet in height within 5 years of planting. The applicant will be required to prepare and maintain landscape buffers in ways that guarantee the survivability of the vegetation, and shall be required to monitor and maintain such areas for a period of at least 5 years. Plants shall be selected to minimize visual or noise intrusion to adjacent properties, minimize erosion and protect water quality. Buffers shall not be used for storage of industrial equipment or materials, parking, or for waste disposal, but may be used for public access if consistent with provisions of the SMP.

Log Storage and Booming

14. Unpaved storage areas underlain by permeable soils shall have at least a 4-foot separation between the ground surface and the highest seasonal water table.
15. All log storage proposals shall demonstrate that State water quality standards and/or criteria will not be violated by any runoff leaving the site and entering into waters of the State. If such demonstration is not possible, treatment facilities meeting all applicable local, state and federal standards shall be provided.
16. Offshore log storage shall be located only in areas where an Aquatic Lands Lease may be obtained from the Washington State Department of Natural Resources.
17. In-water log storage shall not hinder navigation.
18. The free-fall dumping of logs into water is prohibited. Easy let-down devices shall be employed for placing logs in the water per the Port of Port Angeles BMPs approved as part of Washington State Department of Natural Resources Aquatic Lands Lease agreements.
19. Bark and wood debris shall be regularly and consistently controlled, collected and disposed of at log dumps, raft building areas and mill-side handling zones. This shall be required for both floating and sinking particles.

Log dumps shall not be located in waters where bark and debris controls cannot be effectively provided.
20. Logs shall not be dumped, stored or rafted where they will rest on the bedlands at low tide.
21. To avoid impacts to new areas, new log booming and storage facilities shall be preferentially located in areas where the activity has historically occurred, unless such a location results in significant impacts to ecological functions.
22. New log booming and storage facilities must be located waterward of the nearshore to avoid and minimize ecological impacts to aquatic areas.
23. New log transfer sites and in-water storage facilities are prohibited in areas that do not meet state or federal water and sediment quality standards, or in areas defined as critical saltwater habitat or habitat areas for priority species and species of concern.

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

6. Governmental, Educational, Cultural and Institutional Uses

a. Applicability

Governmental, educational, cultural and institutional uses such as centers or museums may be considered water oriented if they have an association with a specific waterfront site or activity or if they include public shoreline access.

b. Policies

1. Allow governmental, educational, cultural and institutional uses in shoreline jurisdiction when they are water oriented and there are sufficient access, utilities and public services to support them.
2. Encourage water-oriented uses that help people to understand and appreciate the environmental, cultural, historic, and economic importance of the shoreline.
3. Encourage institutional, governmental, cultural and educational activities associated with maritime navigation, security, safety, education, environmental management, and ecological restoration.

c. Regulations

1. Development of governmental, educational, cultural or institutional facilities shall comply with the mitigation sequence, public access, and critical areas and vegetation conservation sections of chapter 3 of this SMP.
2. New governmental, educational, cultural and institutional uses and developments shall be located and designed to prevent or minimize ecological impacts and the need for shoreline stabilization measures.

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.

Commercial non-water-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses in this SMP.

b. Policies

1. Local, state, and federal recreation planning should be coordinated to satisfy recreational needs. Shoreline recreational developments should be consistent with all locally adopted park, recreation, and open space plans, including the City of Port Angeles Comprehensive Plan and the recreation component of the Harbor Resources Management Plan (most recent edition).
2. Recreational developments and plans should promote the conservation of the shoreline's natural character, ecological functions and processes, especially on Ediz Hook and in the vicinity of creeks discharging into the harbor and/or strait.
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. Water-dependent recreational uses, such as angling, shellfishing, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking. Water enjoyment recreational uses should have priority over non-water oriented recreational uses. Non-water oriented recreational uses such as field sports and golf should be prohibited in shoreline jurisdictions unless they are part of a mixed use recreational facility.
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 in recreational uses and developments.
7. Opportunities for recreational scuba diving should be pursued where there is not a conflict with existing activities, such as the U.S. Coast Guard base. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreational observation. Such habitats should be constructed in areas of low habitat diversity, where predation of priority species is not an issue, to avoid migratory corridors and in consultation with the Department of Fish and Wildlife and local tribes.
8. Improvements should be made to the City Pier and Hollywood Beach.
9. Recreational opportunities that are consistent with ecological restoration should be encouraged on Ediz Hook and on the Rayonier site (segment O).
10. A wildlife viewing area near Marine Drive overlooking the lagoon at the base of Ediz Hook should be pursued.
11. 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.

12. Opportunities for interpretive displays and activities highlighting the cultural, environmental, historical, and economic aspects of the shoreline should be incorporated into all public recreation facilities. The City, in coordination with state and federal resource agencies and local tribes, should develop a system of coordinated interpretive displays.
13. Accessory structures to recreational facilities, such as restrooms, storage buildings, access roads, and parking areas should be located outside of shoreline jurisdiction, when feasible.

c. Regulations

1. Non-water-oriented recreational use and developments may shall be permitted in shoreline jurisdiction only when part of a mixed use development containing water dependent uses or when separated from the shoreline by another property or public right of way, and where it the following can be demonstrated:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed use or development does not displace a water-oriented use, usurp land currently occupied by a water oriented use, and will not interfere with adjacent water oriented uses.
 - c. The proposed use or development will provide a significant public benefit with respect to the objectives of the SMA by providing ecological restoration and/or public use of or access to the shoreline.
2. All new or expanded recreational uses and developments shall mitigate impacts to shoreline resources and values by providing ecological restoration, unless such measures are demonstrated to be infeasible. Restoration that is required as mitigation in this context shall comply with the regulations in chapter 3, section 12.
3. Accessory structures to recreational facilities, such as restrooms, storage buildings, access roads, and parking areas shall be located outside of shoreline jurisdiction, when feasible. When the Administrator determines that location of such facilities outside of shoreline jurisdiction is not feasible, accessory uses and structures shall meet all required setbacks, shall be located landward of primary recreational uses or structures, and shall comply with all other provisions applicable to the use or structure in this SMP.

8. Residential Development

a. Applicability

Residential use and development means buildings, structures, lots, or parcels that are primarily devoted to or designed for use as a dwelling. Residential uses and developments include such things as single-family residences, duplexes, floating homes, multi-family residences, mobile home parks, residential subdivisions and short subdivisions, and planned unit or residential developments. Accessory uses

and structures normally associated with residential uses are also included in this category. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

b. Policies

1. Residential development should be prohibited in environmentally sensitive areas including, but not limited to, wetlands, steep slopes, floodways, and their buffers.
2. The overall density and design of residential uses and development within shoreline jurisdiction should be appropriate to the physical capabilities of the site and consistent with the City of Port Angeles' Comprehensive Plan, Zoning ordinance, and Environmentally Sensitive Areas ordinance as incorporated into this SMP.
3. Recognizing the single-purpose, irreversible, and space-consuming nature of shoreline residential development, new residential uses and development should provide adequate space between such uses or developments and the water to accommodate outdoor recreation such as trails, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.
4. New or expanded residential use and development should include provisions for protection of groundwater supplies, erosion control, storm water drainage systems, protection of aquatic and wildlife habitat and migratory corridors, ecosystem-wide processes, and open space.
5. Sewage disposal facilities and water supply facilities should be provided in accordance with appropriate state and local health regulations.
6. New residential uses and developments should be designed and located so that shoreline armoring will not be necessary to protect the structure, at the time of construction or at any time in the foreseeable future. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
 - a. Constructing shoreline stabilization structures (such as bulkheads).
 - b. Causing significant erosion or slope instability.
 - c. Removing existing native vegetation that helps to prevent bluff erosion.
7. New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts, promote consolidated community access points, encourage low-impact and natural drainage solutions, and reduce utility, public access, and road costs.
8. Accessory uses and structures should be located landward of the principal residence unless there is a compelling reason to the contrary.

c. Regulations

1. Residential uses and development shall not be approved where shoreline stabilization measures, bluff walls, or bulkheading will be required to protect residential structures, lots, or site areas. Residential uses and development shall be located and designed to avoid the need for structural shoreline stabilization and flood protection works for the life of the development.
2. New residential uses and development and accessory structures shall be prohibited overwater or floating on the water.
3. All residential shoreline uses and development shall comply with the mitigation sequence outlined in chapter 3, section 1 of this SMP and with the critical area and vegetation conservation provisions in chapter 3.
4. Accessory residential uses and structures in the shoreline jurisdiction shall be subordinate in size and intensity to and compatible with primary on-site uses and structures.
5. The creation of new residential lots within the shoreline jurisdiction shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including critical area buffer, vegetation conservation, setback, and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that all of the following can be met:
 - a. The residence can be built in conformance with all applicable standards in this SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City's comprehensive plan.
 - d. The development will not be at risk from floods or geological hazards, and will not put other properties at risk of the same.
6. Storm water runoff from all new development and redevelopment within the City of Port Angeles shall comply with 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, railways, airports (including seaplane facilities), ferry terminals, heliports, public transit facilities, and other related facilities. Parking facilities are considered separately from transportation facilities (see chapter 3).

The policies and regulations in this section pertain to new transportation uses or development as well as to changes to or expansion of any existing transportation facilities.

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

The Harbor Resources Management Plan recommends circulation and access improvements to ensure adequate circulation on and to Port Angeles's shorelines. The policies and regulations below are intended to support those improvements while protecting the shoreline ecology.

b. Policies

1. Transportation planning in the shoreline jurisdiction should consider circulation systems for pedestrian, bicycle, and public transportation as well as other modes. Circulation systems and projects should support existing and proposed shoreline uses that are consistent with the SMP.
2. Pedestrian trails and bicycle paths should be encouraged in the shoreline jurisdiction and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline. Roadway improvements should include provisions for bicycle and pedestrian movement.
3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.
4. The City should pursue the recommendations in the current edition of the Harbor Resource Management Plan and other City transportation plans to ensure adequate access to shoreline areas, particularly freight access to water-oriented industrial uses.
5. All new and expanded transportation uses and development in the shoreline jurisdiction should be consistent with the City's Comprehensive Plan and applicable capital improvement plans.

c. Regulations

General

1. All new and expanded transportation uses and development in shoreline jurisdiction shall be consistent with adopted City plans.
2. All new and expanded transportation uses and development shall comply with the mitigation sequence outlined in section 1 of chapter 3 of this SMP. New or expanded transportation facilities that would result in significant ecological impacts shall not be allowed unless the development includes mitigation that ensures:
 - a. Significant short- and long-term risks to the shoreline ecology from the development are eliminated.
 - b. Long-term opportunities to increase the natural ecological functions and processes are not diminished.
3. The following regulation applies to shoreline road ends:

- a. RCW 35.79.035 prohibits the City from vacating any City street or alley which abuts a body of salt or fresh water unless the street or alley is not currently used or suitable for beach or water access, boat moorage or launching sites, or for a park, viewpoint, recreation, educational, or other public purposes.
 - b. RCW 35.79.035 establishes legal procedures to vacate streets as outlined above.
4. Consult the Washington Department of Fish and Wildlife's Aquatic Habitat Guidelines documents when locating and designing transportation facilities.

Location

5. New and expanded transportation facilities shall be located outside of the shoreline jurisdiction, whenever feasible.
6. New and expanded transportation facilities shall be located and designed to prevent or to minimize the need for shoreline stabilization and shoreline modifications. Transportation facilities that must cross water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges shall be constructed at an elevation that will allow the passage of debris and provide three feet of freeboard above the 100-year flood level. Bridges and other transportation facilities shall not intrude into or over critical saltwater habitats except as allowed by chapter 3.
7. Roads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed to accommodate 100-year storm flows and to allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.

Design/Construction/Maintenance

8. In the design and construction of new and expanded transportation facilities, impervious surfaces shall be minimized. Areas not paved shall be planted with self-sustaining vegetation in accordance with City standards. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until fully established. Landscape design may provide opportunities to enjoy views of the water or other points of interest.
9. New and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where feasible and appropriate, as determined by the City's Shoreline Administrator utilizing the plans cited in this section. Transportation projects shall support existing and proposed shoreline uses that are consistent with the SMP.
10. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies to the greatest extent feasible.
11. Fill for new or expanded transportation facilities shall generally be prohibited in water bodies and wetlands. Fill may be permitted as a Conditional Use to support new or expanded transportation facilities, only when:
 - a. All structural and upland alternatives have been proven infeasible;

- b. The transportation facility is necessary to support uses consistent with this SMP; and
 - c. All unavoidable, adverse environmental impacts are mitigated.
12. New and expanded transportation facilities shall not diminish but may modify public access to the shoreline.
13. Vegetated shoreline areas disturbed by construction or maintenance of transportation facilities shall be replanted and stabilized with native vegetation immediately upon completion of the construction or maintenance activity. Replacement vegetation shall be maintained by the party responsible for maintenance of the transportation facility or the property owner, as appropriate.

Air Transportation

15. Aircraft facilities in support of US Coast Guard activities are a permitted use in the HI-M environment. Aircraft facilities required for the support of seaplane traffic, not including fuel storage, are a permitted use in the HI-M and HI-MU environments. As an unspecified use, aircraft facilities for other purposes or in other designations shall require a conditional use permit.

10. Utilities (Primary)

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, solid wastes, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines, power generating or transfer facilities, and gas distribution lines and storage facilities. See Chapter 3, Section 11, "Utilities (Accessory)," for on-site accessory use utilities.

b. Policies

1. New utility facilities should be located so as not to require shoreline modifications, where feasible. Note that new shoreline stabilization may not be allowed on State-owned aquatic lands except under extraordinary circumstances, as determined by the Washington State Department of Natural Resources (DNR).
2. Utility facilities and corridors should be located so as to protect views. Whenever feasible, such facilities and corridors should be placed underground, or alongside or under bridges. Note that on State-owned aquatic lands, sewer and stormwater outfalls may be required to be installed below the substrate within nearshore areas, as determined by the Washington State Department of Natural Resources (DNR).
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

4. New utility facilities should preferentially be located outside of shoreline jurisdiction, if feasible.
5. Utilities should be located in existing rights of ways and corridors whenever feasible.
6. Utility pipelines and cables on tidelands should be discouraged.

c. Regulations

1. All primary utility facilities and uses shall be located outside of the shoreline jurisdiction, unless infeasible. Utility uses and facilities that must be located in the shoreline jurisdiction shall be designed to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses. The City's Shoreline Administrator may require the relocation or redesign of proposed utility uses and development in order to avoid significant ecological impacts.
2. Utility production and processing facilities, such as power plants and sewage treatment plants or parts of those facilities that are non-water oriented, shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. Energy recovery from waste products associated with nearby water-dependent shoreline uses may be allowed.
3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible. When necessary, such uses and facilities shall assure no net loss of shoreline ecological functions. Utilities shall be located in existing rights-of-way and utility easements or corridors whenever feasible. New or expanded transmission lines shall be underground, unless infeasible, or unless the applicant demonstrates that above-ground transmission lines would have a lesser impact.
4. Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance that disrupts ecological functions shall not be allowed unless the Shoreline Administrator determines that no other feasible option exists. When permitted, those facilities shall include provisions to assure no net loss of shoreline ecological functions. Existing above ground lines shall be moved underground during normal replacement processes, when feasible.
5. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way when feasible. Such uses may include shoreline access points, trail systems or 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.
6. New solid waste disposal sites and landfill facilities are prohibited. Existing solid waste disposal and transfer facilities in the shoreline jurisdiction shall

not be expanded, intensified, or substantially reconstructed unless for an environmental cleanup or ecological restoration purpose.

7. Utility transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant ecological impacts.
8. Utility developments shall be located and designated so as to avoid or minimize the use of any structural shoreline stabilization or flood protection works.
9. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. Easily accessible automatic shut-off valves shall be provided on both ends of the pipeline.
10. Filling and dredging in shoreline jurisdiction for development of utility facilities or lines is prohibited, except where no other feasible option exists. Permitted crossings shall utilize pier or open pile techniques, when feasible. Boring, rather than open trenching, is the preferred method of utility water crossing.
11. Clearing of vegetation for the installation or maintenance of utilities shall be avoided and minimized; upon project completion, any disturbed areas shall be restored to their pre-project condition.
12. Telecommunication towers, such as radio and cell phone towers, shall be located outside of shoreline jurisdiction where feasible, except when in support of a water-dependent use, such as the U.S. Coast Guard installation.
13. Outfalls shall be designed and constructed according to all applicable regulations and standards.

New and reconfigured outfalls must be located and designed to avoid impacts to native aquatic vegetation. Diffusers or discharge points must be located a sufficient distance from nearshore areas to avoid significant ecological impacts.
14. All pipelines supplying water or other liquid for industrial uses shall be metered at the source and destination to ensure there are not leaks in, or damage to, the supplying pipeline(s).

CHAPTER 6

Definitions

Accessory. Any structure or use incidental and subordinate in size, intensity, etc. to a primary structure, use or development.

Act. The Washington State Shoreline Management Act, chapter 90.58 RCW.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. The City of Port Angeles Director of Community and Economic Development or his/her designee, charged with the responsibility of administering the Shoreline Master Program.

Appurtenance. A structure or use which is necessarily connected to the use and enjoyment of a primary use or structure, and is located landward of the ordinary high water mark and the perimeter of any wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and installation of a septic tank and drainfield. For purposes of the exemption in WAC 173-27-040(2)(g), normal appurtenances also include grading that does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

Aquaculture. The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. For purposes of this SMP, aquaculture does not include activities on private property for personal consumption.

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

Associated wetlands. Wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Average grade level. See “base elevation.”

Base elevation. The average elevation of the natural or existing topography of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over the water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

Beach. The zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of 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. The process of replenishing a beach by artificial means, for example by the deposition of dredged materials, sediment, or sand. Also called beach replenishment or beach feeding.

Bioengineering. See shoreline modifications.

Boating facilities. Any of the following uses are considered boating facilities: marinas; dry-land boat storage; in-water moorage; boat launch ramps; covered moorage; boat houses; mooring buoys, and marine travel lifts. Any device or structure used to secure a boat or a vessel, including piers, docks, piles, or buoys are also considered moorage facilities (see moorage facility definition).

Bog. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog is a type of wetland.

Breakwater. See shoreline modifications.

Buffer or buffer area. An undisturbed area adjacent to an environmentally sensitive area that is required to permanently remain in an undisturbed and untouched condition, protects or enhances the environmentally sensitive area, and is considered part of the environmentally sensitive area. No building, clearing, grading, or filling is permitted, except as authorized by this SMP. A buffer is different than a setback or a vegetation conservation area, although they may overlap. See also “visual buffer”.

Building height. Height is measured from average grade level to the highest point of a structure, provided that television antennas, chimneys and other similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines. Temporary construction equipment is also excluded in this calculation.

Building setback. See setback.

Bulkhead. See shoreline modifications.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stockwatering channels.

Channel Migration Zone (CMZ). The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

City. The City of Port Angeles, Washington.

Clearing. The destruction or removal of vegetation, ground covers, shrubs or trees, which may or may not include root material removal and topsoil removal. Limited pruning is not considered clearing.

Comprehensive Plan. Comprehensive plan means the document, including maps adopted by the city council, that outlines the City’s goals and policies related to management of growth, 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 this SMP is treated as a Conditional Use.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Critical areas. Those areas listed in the City's Environmentally Sensitive Areas Protection ordinance (PAMC 15.20.030 E) and in WAC 173-26-221 (2). These include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas frequently flooded areas, and geologically hazardous areas. In Port Angeles, marine bluffs are locally unique features but are also considered geologically hazardous areas.

Current deflector. See shoreline modification.

Department of Ecology or Department. The Washington State Department of Ecology.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the SMA at any state 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 as a fixed platform supported by piling (a pier), or walkway or other surface that floats on the water, or a combination.

Dredging. Removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a water body or associated wetland.

Drift cell. "Drift cell", "drift sector", or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also any accretion shore forms created by such drift.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecological restoration. See "restore."

Ecosystem-wide processes. The suite of naturally occurring physical and geologic processes of erosion, transport and deposition, and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

EIS. Environmental Impact Statement.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have

been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (WAC 173-27-040 (2)(d)).

Enhancement. Actions performed to improve the condition of an existing resource or environmentally sensitive area so that the functions and values provided are of a higher quality.

Environment designation(s). See “shoreline environment designation(s).”

Environmentally Sensitive Area. The following areas within Port Angeles and their buffers as described in Title 15.20.030 PAMC:

1. Aquifer recharge areas;
2. Streams or stream corridors;
3. Frequently flooded areas;
4. Geologically hazardous areas:
 - a. Erosion hazard areas,
 - b. Landslide hazard areas,
 - c. Seismic hazard areas;
5. Habitat areas for priority species and species of concern, and
6. Locally unique features:
 - a. Ravines;
 - b. Marine bluffs;
 - c. Beaches and associated coastal drift processes

Erosion. The wearing away of land by the action of natural forces.

Exemption. Certain specific developments listed in WAC 173-27-040 are exempt from the definition of substantial development and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development permit process must still be carried out in compliance with policies and standards of the SMA and the local SMP. Conditional Use and variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3)(e) and WAC 173-27-040). Exempt developments also include those set forth in RCW 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515.

Fair market value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets **all** of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or when studies or tests have

demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

- b The action provides a reasonable likelihood of achieving its intended purpose; and
- c The action does not physically preclude achieving the project's primary intended legal use.

In cases where this SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's feasibility, the City and Department may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floats. An anchored, buoyed object.

Floodplain. A term that is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA.

Floodway. Those portions of the area of a river valley lying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative groundcover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by a qualified professional engineer or geologist who is knowledgeable about the regional and local shoreline geology and processes.

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs. The Guidelines may be found under WAC 173-26.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See “building height.”

House Boat or House Barge. A residential structure constructed on a floating foundation or barge intended for year-round, permanent occupancy. Such structure is typically moored, anchored or otherwise secured in waters and is not a vessel, even though it may be capable of being towed. Also known as floating home.

Hydrological. Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline areas include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

Intertidal zone. Refers to that area along the shoreline that is above water at the lowest low tide and below water during the highest high tide.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act and this SMP. The letter shall indicate the specific exemption being applied to the development and provide a summary of the City’s analysis of the consistency of the project with the master program and the act.

Levee. A manmade fill or wall that regulates water levels. It is usually earthen and often parallel to the course of a river in its floodplain or along low-lying coastlines.

Littoral. Living on, or occurring on, the shore.

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

Low impact development (LID). A storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

Marine. Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Strait of Juan de Fuca and the bays, estuaries, and inlets associated therewith.

Marina. Refers to a system of piers, buoys, or floats to provide a centralized site for extended moorage for more than four (4) vessels for a period of 48 hours or longer. For regulatory purposes, yacht club facilities and camp or resort moorage areas would also be reviewed as

marinas. Boat launch facilities and the sales of supplies and services for small commercial and/or pleasure craft users may be associated with marinas. Where such amenities are included, the marina is considered a multi-use marina.

May. Refers to actions that are acceptable, provided they conform to the provisions of this SMP and the SMA.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following, which are listed in the order of sequence priority, with (a) being top priority (WAC 173-26-201 (2)(e)(i)).

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. 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.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
6. 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, or buoys. Moorage facilities may be located inside of or outside of marinas and other boating facilities.

Multi-family dwelling (or residence). A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Must. A mandate; the action is required.

Native plants or native vegetation. Plant species indigenous to the Olympic Peninsula region that could occur or could have occurred naturally on the site.

Nearshore. The estuarine/delta, marine shoreline and areas of shallow water from the uplands that directly influence or are influenced by the shoreline to a waterward depth of about 10 meters relative to Mean High Water. (This is the average depth limit of light penetration). This zone incorporates those ecological processes, such as sediment movement, freshwater inputs, and subtidal light penetration, which are key to determining the distribution and condition of aquatic habitats. By this definition, the nearshore extends landward into the tidally influenced freshwater heads of estuaries and coastal streams.

Nonconforming development. A shoreline use or development which was lawfully constructed or established prior to the effective date of this SMP, which no longer conforms to the present regulations or standards of the Program.

Non-water oriented uses. Those uses that are not water-dependent, water-related, or water enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

Normal protective bulkhead. See shoreline modifications

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040 (2)(b)).

Noxious weed. The traditional, legal term for any invasive, non-native plant that threatens agricultural crops, local ecosystems or fish and wildlife habitat. The term 'noxious weeds' includes non-native grasses, flowering plants, shrubs and trees. It also includes aquatic plants that invade wetlands, rivers, lakes and shorelines. Legal requirements, definitions for control, and the state noxious weed list are found in Chapter 16-750 WAC *State Noxious Weed List and Schedule*.

Off-site replacement. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM or ordinary high water mark. That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water, (RCW 90.58.030(2)(c)). For mapping purposes in this SMP, the City has designated 7 feet above sea level (NADV 88) as the OHWM. The OHWM must be determined in the field based on the criteria in RCW 90.58.030 (2)(c).

PAMC. Port Angeles Municipal Code, including any amendments thereto.

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1)(e)).

Primary structure. The structure associated with the principal use of the property. It may also include appurtenant structures (such as a garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as sheds, gazebos or other ancillary improvements that can feasibly be moved landward to prevent the erosion threat.

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

Priority habitat. A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;

- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

Priority species. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

1. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
4. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Provisions. Policies, regulations, standards, guideline criteria, or designations.

Public access. Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (WAC 173-26-221(4)).

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

RCW. Revised Code of Washington.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore. To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. To restore does not necessarily mean returning the shoreline area to aboriginal or pre-European settlement condition. Used in the terms shoreline restoration and ecological restoration.

Revetment. See shoreline modifications.

Riparian. Of, on, or pertaining to the shoreline.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Sediment. The fine grained material deposited by water or wind.

SEPA (State Environmental Policy Act). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process public comments are solicited and an EIS may be required.

Setback. An area in which buildings or structures shall not be permitted or allowed to project into. Landscaping and non-structural features such as trails may be allowed in setbacks. In the context of this SMP, a setback is measured horizontally landward of and perpendicular to the ordinary high water mark or from the edge of an environmentally sensitive areas buffer.

Shall. A mandate; the action must be done.

Shorelands. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the SMP; the same to be designated as to location by the Department of Ecology.

Shoreline Administrator. See administrator.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations used in this SMP include: High-Intensity Industrial (HI-I), High- Intensity Marine (HI-M), High-Intensity Mixed Use (HI-MU), High-Intensity Urban

Uplands (HI-UU), Urban Conservancy-Low Intensity (UC-LI), Urban Conservancy Recreation (UC-R), Shoreline Residential (SR), Aquatic-Harbor (A-H), and Aquatic-Conservancy (A-C).

Shoreline functions. See “ecological functions.”

Shoreline Management Act (SMA). The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline master program, master program, or SMP. This Shoreline Master Program, as adopted by the City of Port Angeles and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

- **Breakwaters** are structures constructed on coasts as part of coastal defense or to protect harbors, anchorage or basins from the effects of weather and waves.
- **Bulkhead** is a retaining wall constructed at or adjacent to the OHWM. These manmade structures are constructed along shorelines with the purpose of controlling beach erosion or to protect adjacent uplands from damage from wave action. Construction materials commonly used include wood pilings, commercially developed vinyl products, large boulders stacked to form a wall, or a seawall built of concrete or another hard substance.
- **Normal protective bulkheads** are those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.
- **Bioengineering.** The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal adverse impact to the shoreline ecology.
- **Bluff wall.** A vertical structure placed at the base of a bluff to stabilize the bluff from dynamic forces of gravity or earth movement. Bluff walls are placed upland of the OHWM and are not intended to protect bluff toes from wave action.
- **Current deflector.** An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.
- **Seawall** (also written as *sea wall*). A structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead. 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 large biodegradable sandbags made of jute and coir.
- **Soft Armoring** See bioengineering.
- **Revetment** in coastal management means a sloping structure placed on the shoreline in such a way as to absorb the energy of incoming water. Coastal revetments are usually built to protect slopes and structures as defense against erosion.

- **Jetty** (in marine situations) is any of a variety of structures used for forming basins , protecting navigational channels and harbors, or to influence currents. Jetties contribute to prevention of long shore drift, therefore slowing down beach erosion.
- **Groin** is a structure extending from the shoreline out into the water that influences water flow and the deposition of sediment. In the ocean, groins may create beaches, or avoid having them washed away by longshore drift. Ocean groins run generally perpendicular to the shore. 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.

Shoreline permit. A substantial development, Conditional Use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration. See restore.

Shoreline segment. An area of the shoreline that is defined by distinct beginning points and end points, using parcel numbers or other descriptions (see chapter 2). Shoreline segments are used to recognize different conditions and resources along different reaches of the City's shorelines.

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

Shorelines Hearings Board (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance, denying or rescinding of a shoreline permit, enforcement penalty or rules, regulations, or guidelines adopted or approved by the Department of Ecology under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply. In Port Angeles, shorelines of statewide significance include those areas of the Strait of Juan de Fuca north to the Canadian line lying seaward of the line of extreme low tide.

Shorelines of the state. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

Sign. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Significant ecological impact. An effect or consequence of an action if **any** of the following apply:

1. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.

2. 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.
3. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning where no more than 25% of the live crown of the tree is removed over any 5-year period, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal. Vegetation management that may include thinning to reduce plant competition does not constitute significant vegetation removal when part of a management plan developed by a qualified habitat biologist or forester and where it is shown that ecological functions will not be reduced. Removal of trees deemed by a qualified professional to be hazardous, dangerous or unstable does not constitute significant vegetation removal.

Single-family residence. A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

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 "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.

Storm water. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water normally contained within a channel.

Structure. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Structure setback. See setback.

Subdivision. The division or redivision of land to create new parcels for use.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause significant ecological impact.

Subordinate. Less important than and secondary to a primary structure or use, in this SMP meaning an accessory or ancillary use, which is physically smaller than and acts to support the primary use.

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, railways, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Upland. Generally described as the dry land area above and landward of the ordinary high water mark.

Utility. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, solid wastes and the like. A public or private agency may provide the service or facility that is utilized or available to the general public (or a locationally specific population thereof).

Utilities (Accessory). Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line. Accessory utilities do not carry significant capacity to serve other users.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline.

Vegetation Conservation Area or VCA. A vegetation conservation area (VCA) is an area along the shoreline where vegetation, especially native vegetation, contributing to the ecological function of shoreline areas must be protected, and where it has been removed or destroyed, should be restored. VCA's are generally measured from the shoreline a specific width landward of and perpendicular to the shoreline.

Vessel. A floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

Visual Access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

Visual Buffer. Means of lessening or absorbing the visual impact of a use or development on an adjacent use or development, or separating uses or developments of differing intensities. Visual buffers may include but are not limited to fences or vegetative screens.

WAC. Washington Administrative Code.

Water-dependent. A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent uses may include fishing, boat launching, swimming, and storm water discharges.

Water-enjoyment. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Water-enjoyment uses may include, but are not limited to:

1. Parks with activities enhanced by proximity to the water.
2. Docks, trails, and other improvements that facilitate public access to shorelines of the state.
3. Food and beverage establishments with water views and public access improvements.
4. Museums with an orientation to shoreline topics.
5. Scientific/ecological reserves.
6. Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under SMA and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. 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
2. 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 soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or

highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

Wetland category. See chapter 3, section 6.

Wetland delineation. Identification of a wetland boundary pursuant to Section 15.24.040(C) PAMC and the most recent edition of the U. S. Army Corps of Engineers (2010) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.

Wetlands rating system. See chapter 3, section 6.

Zoning. The system of land use and development regulations and related provisions Title 17 PAMC.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

CHAPTER 7

Administrative Provisions

A. Administrative Authority and Responsibility

Except when specifically exempted by statute, all proposed uses and developments occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program.

The City or Department may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of a project with the Act and this master program.

Applicants requesting review for permits or statements of exemption under this master program have the burden to prove that the proposed development or activity is consistent with the criteria that must be met before a permit or statement of exemption is granted.

1. Shoreline Administrator

The Director of the City of Port Angeles Department of Community and Economic Development or his/her designee (the Administrator) is vested with authority to:

- a. Administer this Master Program;
- b. Conduct a thorough review and analysis of shoreline substantial development permit applications. Make written findings and conclusions and approve, approve with conditions, or deny such permits in accordance with the policies and provisions of this Master Program, unless a public hearing or appeal is involved;
- c. Grant or revise written permit exemptions from Shoreline Substantial Development Permit requirements of this Master Program (see Section B.2 below);
- d. Determine compliance with the State Environmental Policy Act (Chapter 43.21C RCW; Chapter 197-11 WAC);
- e. Specify the required application forms and submittal requirements including the type, details and number of copies;
- f. Advise interested citizens and project proponents of the goals, policies, regulations and procedures of this Master Program;
- g. Make administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act. When developing administrative interpretations of its shoreline master program, the City shall consult with the Department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines;
- h. Collect applicable fees;
- i. Determine that application submittals are substantially complete;
- j. Make field inspections as necessary;

- k. Submit variance and conditional use permit applications and make findings and recommendations on such permits to the appointed reviewing body for its consideration and 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 appointed reviewing body as required for effective and equitable implementation of this Master Program and the Act;
- n. Provide a summary report of the shoreline permits issued in the past calendar year to the appointed reviewing body and the City of Port Angeles City Council;
- o. Investigate, develop and propose amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies;
- p. Seek remedies for alleged violations of this Master Program, the provisions of the Act, or of conditions of any shoreline permit issued by the City;
- q. Coordinate information with affected agencies;
- r. Review and grant permit revisions. If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, consistent with this Master Program and the Act, the Administrator may approve the revision.
- s. Determine if a proposed development is one of public significance and/or could have a significant impact on the shoreline environment, and consider permit rescissions in accordance with RCW 90.58.140 (8). Upon making such a determination, the Administrator may forward the application for shoreline substantial development to the appointed reviewing body for a hearing and action; and
- t. Forward any decision on any permit application to the Washington State Department of Ecology for filing or action.

2. Appointed Reviewing Body¹

The appointed reviewing body (Reviewing Body) is vested with authority to:

- a. Review public input on and approve, approve with conditions, or deny requests for variance permits, conditional use permits, shoreline substantial development permits (when a hearing is required) and permit rescissions after considering the findings and recommendations of the Administrator; provided that the reviewing body's decisions may be appealed to the State Shorelines Hearings Board as provided for in the Act.
- b. Review and recommend to the City Council any revisions or amendments to the master program in accordance with the requirements of the Act and WAC 173-26-090.
- c. Conduct public hearings as specified in the permit process or which have been requested by the Administrator.

¹ The Planning Commission is the appointed reviewing body for the City of Port Angeles, until such time as or if the city contracts with a Hearings Examiner. At that time, the Hearings Examiner shall maintain the duties and authority as outlined herein.

- d. Prepare written findings and conclusions to approve, deny or condition a permit based on the criteria established in this Master Program.
- e. Where required by this Master Program or other City codes, require any applicant granted a shoreline permit to post a bond or other acceptable security with the City that ensures the applicant, or the applicant's successors in interest will adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least 150 percent of the estimated development cost including attached conditions. Such bonds or securities must be approved by the City Attorney.
- f. Consider the Administrator's findings and conclusions pertinent to permit decisions in the case of an appeal made by interested parties or members of the public and render the City's final decision.

3. Port Angeles City Council

The Port Angeles City Council is vested with authority to:

- a. Review and act upon any recommendations of the Administrator and/or appointed reviewing body for amendments to or revisions of the program. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendments to the program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.090 and Chapter 173-26 WAC.

B. Shoreline Substantial Development Permits and Exemptions

1. Substantial Development

A substantial development permit must be obtained prior to undertaking "substantial development" as defined by the SMA and this Master Program.

"Substantial development" shall mean any development of which the total cost or fair market value exceeds \$6,416 (may be adjusted for inflation by the office of financial management every 5 years), or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following are a summary of common developments not considered substantial developments in accordance with RCW 90.58.030 (3)(e):

- a. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
- b. Construction of the normal protective bulkhead common to single family residences.
- c. Emergency construction necessary to protect property from damage by the elements (see chapter 6 for the definition of emergency).
- d. Construction or modification of navigational aids such as channel markers and anchor buoys.
- e. Construction of a dock, including a community dock, designed for pleasure craft only,

for the private noncommercial use of the owner, lessee or contract purchaser of a single or multiple family residence.

- f. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water

Note: Exemption from substantial development permit requirements does not constitute exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this master program, and other applicable city, state or federal permit requirements. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process. The list above is a summary; for a complete list, see RCW 90.58.030 (3)(e) and WAC 173-27-040.

A development or use that is listed as a conditional use in this master program or is an unlisted use must obtain a conditional use permit even if the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

The Administrator's decision on a shoreline substantial development permit may be appealed to the appointed reviewing body as outlined in section A above. The Administrator's decision shall not require a public hearing except in accordance with section A (1)(s) above.

2. Statement of Exemption

For projects located within shoreline jurisdiction that do not require a shoreline substantial development permit, applicants shall be required to obtain a written "statement of exemption". The statement of exemption verifies that the shoreline development is exempt and provides the applicant with an itemized list of all requirements (master program and otherwise) applicable to the proposed development. For shoreline development which is exempt, the statement shall indicate the specific exemption that is being applied to the development and provide a summary of the City's analysis of the consistency of the project with the master program and the act. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this Master Program. For example, a building permit for a single-family residence can be conditioned with provisions from the master program.

The Administrator's decision on an exemption may be appealed to the appointed reviewing body as outlined in section A above.

C. Conditional Use Permits

1. Shoreline Conditional Use Permits

The Shoreline Administrator or otherwise authorized designee shall have the authority to make findings, conclusions, and recommendations on shoreline conditional use permits. The appointed reviewing body shall have the authority to hear and take action on

applications for shoreline conditional use permits as authorized by section A above. The application for a shoreline conditional use permit shall be made on forms prescribed by the Shoreline Administrator and shall be processed pursuant to the PAMC. Review will be for purposes of determining consistency with:

- The legislative policies stated in the Shoreline Management Act, RCW 90.58.020
- The Shoreline Master Program of the City of Port Angeles.

Conditional use permits require a public hearing as outlined in section A.2 above. Notice of public hearings shall be published in the same manner as provided in the Port Angeles Municipal Code.

2. Shoreline Conditional Use Permit Criteria

The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the master program in a manner consistent with the policies of the SMA. In authorizing a conditional use, special conditions may be attached to the permit by the City or Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this master program. Conditional use permits may be granted in the following circumstances:

- a. The uses is classified or set forth in the master program as a conditional use and the applicant can demonstrate all of the following:
 1. The proposed use will be consistent with the policies of the SMA and the policies of the City of Port Angeles Shoreline Master Program;
 2. The proposed use will not interfere with the normal public use of public shorelines;
 3. The proposed use of the site and design of the project will be compatible with other permitted uses within the area;
 4. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 5. The public interest suffers no substantial detrimental effect.
- b. Uses not classified or set forth in the master program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in 2a above, consistency with any other requirements for conditional uses in this master program.
- c. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
- d. Uses which are specifically prohibited by the master program may not be authorized as conditional uses.
- e. All Shoreline Conditional Use Permits issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10). Appeals of Ecology decisions on shoreline conditional use permits shall be made to the Shoreline Hearings Board as specified in section E.3 below.

3. Compliance with Conditions

When plans are approved as part of a shoreline conditional use permit, modifications of the original plans may be made only after a review has been conducted by the Shoreline

Administrator and approval granted by the designated hearing body. Revisions to permits shall be processed in accordance with section E 4 below.

In the event of failure to comply with approved plans or with any conditions imposed upon the conditional use permit, the permit shall immediately become void and any continuation of the use activity shall be construed as being in violation of Title 15 PAMC and a public nuisance.

D. Variances

1. Variances – Generally

The Shoreline Administrator or otherwise authorized designee shall have the authority make findings, conclusions, and recommendations on shoreline variances. The appointed reviewing body shall have the authority to hear and take action on applications for variances as authorized by section A above. The application for a variance shall be made on forms prescribed by the Shoreline Administrator and shall be processed and acted upon in the same manner as is provided for conditional shoreline development permits. If a variance application is not merged with a pending substantial development permit application, the applicant shall pay the City the fee established in PAMC 3.70. All variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10).

Variances require a public hearing as outlined in section A.2 above.

2. Variance Criteria

The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the master program when there are extraordinary or unique circumstances relating to the physical character or configuration of the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the SMA. The criteria for granting variances shall be consistent with WAC 173-27-170 and include the following:

- a. Variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances, extraordinary circumstances must be shown, and the public interest shall suffer no substantial detrimental effect.
- b. Variances for development that will be located landward of the ordinary high- water mark and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:
 1. The strict application of the bulk, dimensional, or performance standards as set forth in the master program preclude or significantly interfere with reasonable 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;

4. The variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and
 5. The public interest will suffer no substantial detrimental effect.
- c. Variances for development located waterward of the ordinary high-water mark or within any wetland may be authorized provided the applicant can demonstrate all of the criteria specified in 2 b above and that the public rights of navigation and use of the shorelines will not be adversely affected.
 - d. Uses which are specifically prohibited by the master program may not be authorized as a variance.
 - e. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
 - f. All shoreline variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10). Appeals of Ecology decisions on shoreline variances shall be made to the Shoreline Hearings Board as specified in section E.3 below. Appeals of Ecology decisions on variances shall be made to the Shoreline Hearings Board as specified in section E.3 below.

E. Permit Application

1. Application Process

The Administrator shall provide the necessary application forms for shoreline substantial development permits, conditional use permits, and variance permits.

- a. The applicant shall provide, at a minimum, the following information:
 1. The most recently updated Joint Aquatics Resource Permit Application (JARPA) form.
 2. The State Environmental Policy Act (SEPA) checklist.
 3. The filing fee in an amount as established in PAMC 3.70 payable at the time of the application.
- b. A complete application and supporting documents for all shoreline permits shall be submitted to the Shoreline Administrator for processing and review. Any deficiencies in the application shall be corrected by the applicant prior to further processing.
- c. Permit Application Review
 1. Notice of Application and Permit Application Review shall occur in accordance with WAC 173-27-110 and PAMC 18.02. Public comment periods shall be 30 days in length in accordance with RCW 90.58.140 (4).

d. Public Hearings

1. Public hearings shall be held as requested or required in accordance with sections A-D above.
2. A written notice of the public hearing at which the appointed reviewing body will consider the application shall be mailed or delivered to property owners within at least 300 feet of the subject property, posted on the site and published in the local newspaper per WAC 173-27-110 and PAMC 17.96.140.
3. The appointed reviewing body shall review permit applications and make a decision based on any or all of the following:
 - i. The application materials;
 - ii. SEPA documentation (if required);
 - iii. Written and oral comments from interested persons during the published public comment period;
 - iv. Evidence presented at the public hearing;
 - v. The findings, conclusions, and the recommendations of the Administrator;
 - vi. This Shoreline Master Program; and
 - vii. The Shoreline Management Act, RCW 90.58, and its supporting WACs.
4. Following the action taken by the appointed reviewing body, the City will send a notice of decision to Department of Ecology per WAC 173-27-200.

2. Time Requirements

- a. The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.
- b. Construction pursuant to permits issued shall not begin and is not authorized until twenty-one (21) days from the date of filing as provided in RCW 90.58.140 (5) and (6); or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing.
- c. Construction activities shall commence or, the use or activity shall commence within two years of the effective date of the permit. The City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date, and notice of the proposed extension is given to parties of record on the permit and to the Department of Ecology.
- d. Authorization to conduct development activities will terminate five years after the effective date of the permit. The City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.
- e. The effective date of a permit shall be the date of filing as provided in RCW 90.58.140(6).

- f. The permit time periods in provisions 2 c and d above do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

3. Appeals

- a. Any decision or ruling made by the Administrator on a substantial development permit, master program policy or regulation interpretation, permit revision, exemption or other action within the purview and responsibility of the Administrator may be appealed to the appointed reviewing body as outlined in section A above.
- b. Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing of the decision as defined in RCW 90.58.140 (6). Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Department, the office of the attorney general, and the City. Request shall be in the form required by the rules for practice and procedure before the Hearings Board.

4. Revisions to Permits (See also WAC 173-27-100)

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of the Act. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a substantial development, conditional use, or variance permit, the Shoreline Administrator shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the Shoreline Management Act, and this master program. "Within the scope and intent of the original permit" means the following:

- a. No additional over-water construction will be allowed except pier, dock, or float construction may be increased by five hundred square feet or ten percent of the original permit dimensions, whichever is less.
- b. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit. New structures not shown on the original site plan, however, require a new permit.
- c. Landscaping may be added or revised without necessitating a new permit if consistent with the conditions attached to the original permit and with the shoreline master program.
- d. The use authorized pursuant to the original permit is not changed.

- e. No 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 except as authorized under a variance granted by the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the Shoreline Administrator shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

The revision approval, including the revised site plans and text consistent with section E 1 above as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this subsection shall be filed with the Department of Ecology. In addition, the City shall notify parties of record of the action. If the revision to the original permit involves a conditional use or variance, the City shall submit the revision to the Department for the Department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection.

The department shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the Department's receipt of the submittal from the City. The City shall notify parties of record of the Department's final decision. The revised permit is effective immediately upon final decision by the City or, when appropriate upon final action by the Department.

F. Nonconforming Uses and Development

Nonconforming uses or developments are shoreline uses or structures which were lawfully constructed or established prior to the effective date of the act or the master program, or amendments thereto, but that do not conform to present regulations or standards of the master program. In such cases, the following standards shall apply:

1. Nonconforming Structures and Development

- a. Legally established nonconforming structures being used for a conforming use may be maintained and repaired and may be enlarged or expanded provided such structure is not expanded in any way that increases its nonconformity.
- b. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded. Existing, non-water oriented industry is the only exception; such uses may be permitted to expand upland with approval of a conditional use permit. See chapter 5, section 5 (c).
- c. A legal, conforming building or structure housing a nonconforming use shall be permitted to be repaired, altered, remodeled, or reconstructed providing said repairs, alteration, remodeling, or reconstruction do not expand the building space or site area used by a nonconforming use. For existing non-water oriented industry, see F 1 (b) above.

- d. A nonconforming structure that is moved any distance must be brought into conformance with the master program and the Act when feasible, and at a minimum be made more conforming.
- e. If a nonconforming structure is damaged to an extent not exceeding 75 percent of the assessed value of the structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration or reconstruction is started within nine months and is completed within 18 months of the date that damage or demolition occurred, or, if such date is unknown, then the date that the damage or demolition is reported, or reasonably capable of being reported, to the City. A legal nonconforming building or structure damaged or demolished to an extent that exceeds 75 percent of the existing assessed value of the building or structure for tax purposes may be restored or reconstructed providing it conforms to all regulations of the environment designation or shoreline segment in which it is located. Reconstruction will require obtaining standard building permit prior to construction.
- f. If a nonconforming use is discontinued for any period of one year or more, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.
- g. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment or prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.
- h. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- i. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or non-conforming status of the building or structure in which it is housed.

2. Nonconforming Lots

An undeveloped lot, tract, parcel, site, or subdivision located landward of the ordinary high water mark that was legally established prior to the effective date of the Act or the master program but that does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the master program and the Act.

G. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, including conditions applied, relating to consistency with this SMP. The City shall periodically evaluate the cumulative effects of authorized development on shoreline conditions.

H. Enforcement and Penalties

The choice of enforcement action and the severity of any penalty will be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator and the cost of obtaining compliance may also be considered.

1. Civil Penalty

- a. Action: The City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the state shorelines that conflict with the provisions of the Act and this master program and to otherwise enforce the provisions of the Act and the master program.
- b. Non-Compliance: Any person who fails to conform to the terms of a permit issued under this master program, or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the master program, or who fails to comply with a cease and desist order issued as outlined below shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.
- c. Aiding and Abetting: Any person who, through an act of commission or omission procedures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
- d. Notice of Penalty: The City and/or the Department of Ecology may serve written notice of the penalty, either by certified mail with return receipt requested or by personal service, on the person incurring the violation. The notice shall describe the violation, approximate date(s) of the violation, and shall order the acts constituting the violation to cease and desist, or in appropriate cases, require necessary corrective action within a specific time.
- e. Remission and Joint Order: Within 30 days of the date of receipt of the penalty, the person incurring the penalty may appeal in writing such penalty. Upon receipt of the application, the City may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Appeals of any penalty imposed by the City pursuant to this section shall be subject to review by the City Council. In accordance with 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. 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.
- g. 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 to pay a delinquent permit penalty not to exceed three times the standard permit fee. 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 standard permit fee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

3. Property Lien

Any person who fails to pay prescribed penalties as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The City Attorney shall file the lien against the affected property at the office of the County Assessor.

4. Mandatory Civil Penalties

Issuance of civil penalties is mandatory in the following instances:

- a. The violator has ignored an order or notice of violation;
- b. The violation causes or contributes to significant environmental damage to shorelines of the State as determined by the City or the Department;
- c. A person causes, aids, or abets in a violation within two years after issuance of a similar regulatory order, notice of violation, or penalty by the City or the Department.

5. Minimum City Penalty Levels

- a. The minimum penalty for all violations with mandatory civil penalties as outlined above is two hundred and fifty dollars (\$250.00).
- b. For instances requiring penalties not outlined in 4 above, the minimum penalty is one hundred dollars (\$100.00)

6. General Criminal Penalty

In addition to incurring civil liability under Section 1, 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 ten thousand dollars (\$10,000.00).

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

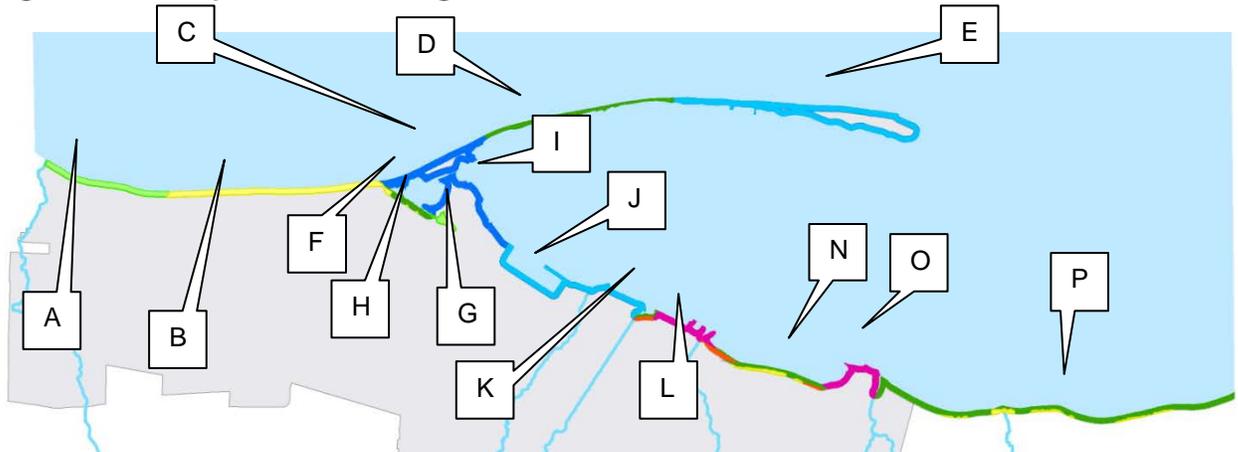
The City shall conduct a review of its master programs at least once every eight years as required by RCW 90.58.080 (4)(b). Following the required review, the City shall, if necessary, revise its master program to assure:

- a. That the master program complies with applicable law and guidelines in effect at the time of the review; and
- b. Consistency of the master program with the comprehensive plan, development regulations, and other local requirements.

Appendix A

City of Port Angeles Shoreline Master Program
Shoreline Environmental Designations Descriptions

Figure 1. City of Port Angeles Shoreline Reaches



Segment A: Eastern reach (UC-LI)

Segment B: Eastern residential reach (SR)

Segment C: Industrial shoreline facing the Strait of Juan de Fuca (HI-I)

Segment D: Ediz Hook both inner and outer shorelines (UC-R)

Segment E: Ediz Hook east both inner and outer shorelines (HI-M)

Segment F: Southern shoreline of Mill pond (Parallel designations UC-R and SR)

Segment G: Wetland area between Hill Street and Marine Drive (UC-LI)

Segment H: Shorelines of the mill pond (HI-I)

Segment I: Industrial shoreline facing the Harbor (HI-I)

Segment J: Boat Haven reach (HI-M)

Segment K: East shore of Valley Creek estuary (Parallel designations HI-UU and UC-R))

Segment L: Downtown Reach (HI-MU)

Segment N: Central City Reach from Lincoln Street to the Rayonier Site (Parallel designations including UC-R, SR, and HI-UU)

Segment O: Western portion of the Rayonier site east of Ennis Creek (HI-MU)

Segment P: East of Ennis Creek to eastern boundary of UGA (parallel designation UC-R and SR)

High-Intensity Industrial (HI-I) Environment

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

Begins: Western edge of parcel 063000014600

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

Segment H = Shoreline Designated HI-I Facing the Lagoon

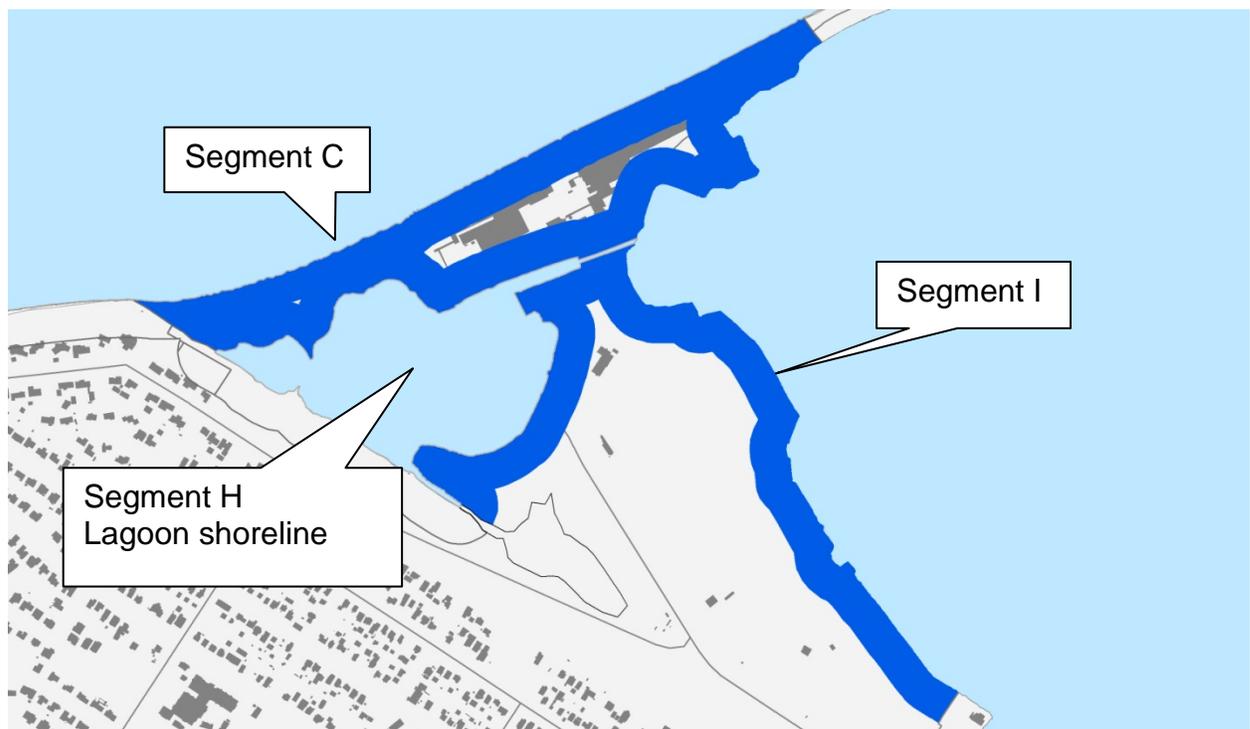
Begins: Extension of eastern edge of DNR lease 29 (DNR Port Angeles Harbor Area lease records map), following north side of lagoon.

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

Segment I = 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

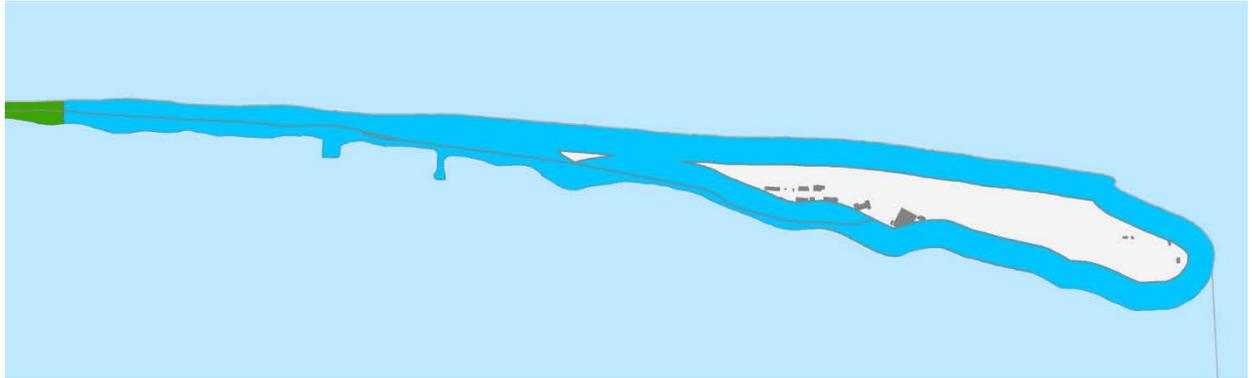


High-Intensity Marine (HI-M) Environment

Segment E. East Ediz Hook Reach

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.



Segment J. Boat Haven Reach

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

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



High-Intensity Urban Uplands (HI-UU) Environment

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. The uplands adjacent to and east of Valley Creek Estuary Park.



Segment M. Urban Uplands.

Begins: East of Lincoln Street center line.

Ends: West edge of Vine Street extended.

Includes parcels south of the Olympic Discovery/Waterfront Trail not including the marine bluff.

Segment N. Urban Uplands

Begins: Western edge of parcel 063000103326 above the top of the marine bluff.

Ends: Western edge of parcel 063000530345 where 200-foot shoreline jurisdiction and top of marine bluff intersect.



High-Intensity Mixed-Use (HI-MU) Environment

Segment L. Downtown Waterfront

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

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



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

Begins: The center line of the Water Street/Columbia Street alley extending from the top of the marine bluff to the OHWM.

Ends: Center line of Ennis Creek.



Urban Conservancy-Low Intensity (UC-LI) Environment

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

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)

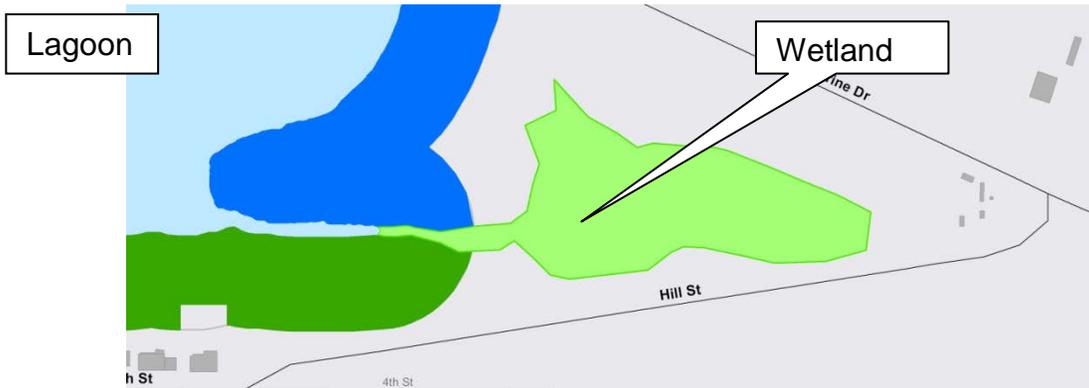
This reach is entirely owned by the City of Port Angeles.



Segment G. Wetlands Between Marine Drive and Hill Street at the base of the marine bluff.

Begins: Extension of western edge of parcel 063000014089

Ends: Parcel 063000012524



Urban Conservancy-Recreation (UC-R) Environment

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.



Segment F. Shorelines Along the Lagoon Designated UC-R

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)



Segment K. 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



Segment M. Urban Conservancy Recreation

Begins: East of City Pier Park, (Chase Street ROW extended north).

Ends: West edge of Vines Street extended.

Segment N. Urban Conservancy Recreation

Begins: West edge of Vines Street extended

Ends: West edge of Rayonier Mill site.

Includes area north of and including the Waterfront/Olympic Discovery Trail and the Victoria Street right-of-way to the top of the marine bluff and all of Francis Street Park.



Segment P. Shorelines east of the center line of Ennis Creek to the east UGA boundary.

Includes all lands upland of OHWM to the top of the marine bluff with the exception of the area designated as Lee's Creek Sub-Reach.



Shoreline Residential (SR) Environment

Segment B. West Bluffs Reach west of Ediz Hook

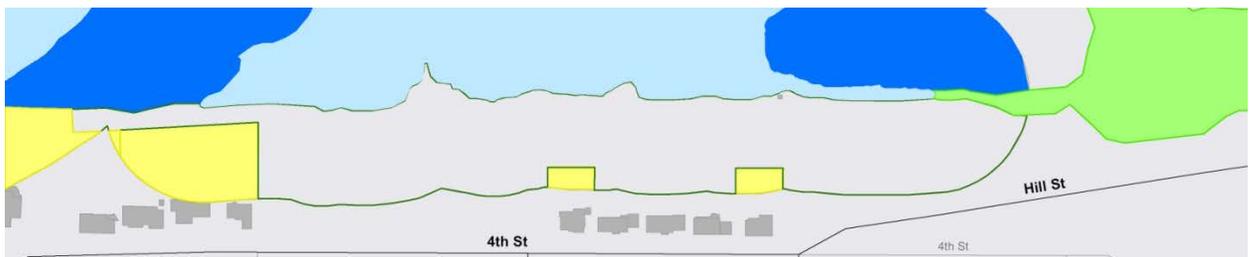
Begins: Eastern side of unopened right-of-way east of Ocean View Cemetery.

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



Segment F. Shorelines areas south of the Lagoon Designated SR

Portions of parcels 063099002910, 063099002930, 063000102905, 063000102900, 063000014520, and 063000014575 that are located within 200 feet of the OHWM.



Segment N. Shoreline Residential.

Begins: East of downtown. Includes all areas located above the top of the marine bluff including street right-of-way (Does not include Olympic Medical Center site).

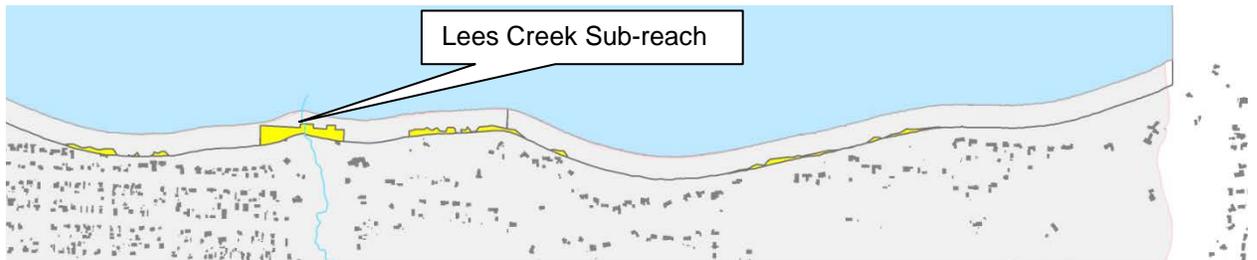
Ends: East side of Race Street right-of-way.



Segment P. Eastern Reach. Rayonier site to east boundary of UGA.

Begins: East of Ennis Creek center line and above the top of marine bluff.

Ends: Eastern limit of Urban Growth Area. (east side of parcel 053008220020)



Sub-segment P. Lees Creek sub-reach

Begins: Western edge of parcel 063012581015

Ends: Eastern edge of parcel 063012640400

Aquatic-Harbor (AQ-H) Environment

All aquatic areas 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.

Aquatic-Conservancy (AQ-C) Environment

All aquatic areas 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 Aquatic Conservancy designation includes the lagoon at the base of Ediz Hook

Appendix B. Inventory, Characterization, and analysis

Appendix C. Cumulative Impacts Analysis

Appendix D. Shoreline Restoration Plan

Appendix E. Environmentally Sensitive Areas Protection regulations November 29, 1991 and ~~most recently amended by ordinance #3367 dated September 15, 2009~~