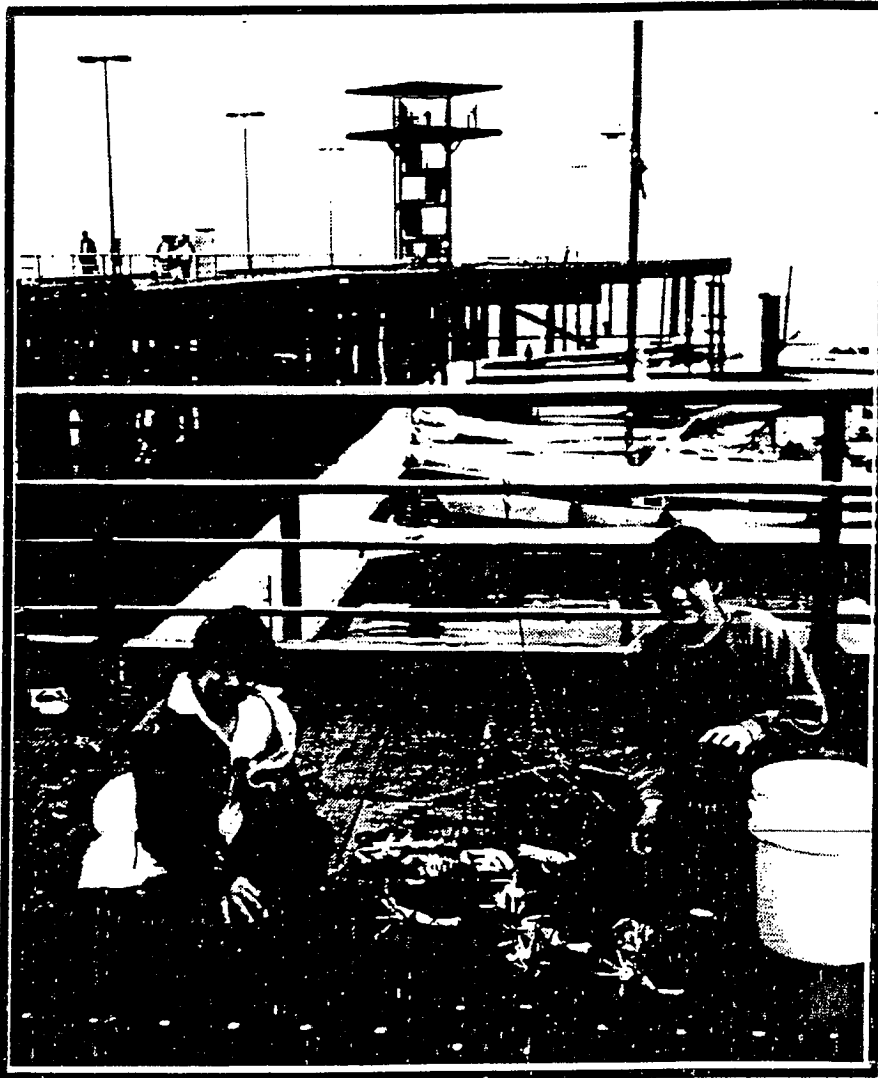


CITY OF PORT ANGELES

SHORELINE MASTER PROGRAM UPDATE



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The views expressed herein are those of the City of Port Angeles and do not necessarily reflect the views of NOAA or any of its sub-agencies.

**PREPARED FOR CITY OF PORT ANGELES BY MAKERS ARCHITECTURE AND
URBAN DESIGN**

Chapter 1

Introduction

A. Purpose of the Shoreline Management Act

In 1969, the Washington State Supreme Court decided in the case of *Wilbur v. Gallagher* (77 Wn 2d 302), commonly known as the "Lake Chelan Case", that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of these decisions were significant in that developers, environmentalists, and other interested parties began to recognize, although probably for different reasons, the need for a comprehensive planning and regulatory program for shorelines.

In June, 1971 the state legislature approved just such a regulatory program when it passed into law the "Shoreline Management Act of 1971 (SMA)". The Act carried with it provisions for a vote by the people and in November 1972 the issue was put to Washington voters who approved the legislature's "Shoreline Management Act" by an approximate 2 to 1 margin.

The Act's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or which will offer the opportunities for the public to enjoy the state's shorelines. With this clear mandate, the provisions of the SMA established a planning and regulatory permit program, which is initiated at the local level under state guidance.

B. Shoreline Management Act Administration

Administration of the SMA is a cooperative effort balancing local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via Shoreline Master Programs) and regulate (via permits) shoreline development. Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended SMPs, reviews substantial development permits, and approves conditional use permits and variances. The master program is essentially a shoreline comprehensive plan with a distinct environmental orientation applicable to shoreline areas and customized to local circumstances. Collectively, the local master programs comprise the State Shoreline Master Program. Under the law, each city and county in Washington State is responsible for the following:

1. Administration of a shoreline permit system for proposed substantial development and uses within shoreline jurisdiction.
2. Development of an inventory of natural characteristics and land use patterns along those designated water bodies.
3. Preparation of a Shoreline Master Program to manage the uses and activities on local shorelines.

C. Shoreline Management Act Scope

The Shoreline Management Act covers all shorelines of the state, including "shorelines" and "shorelines of state-wide significance". Provisions of the Act apply to the following geographical shoreline areas [RCW 90.58.030 (2)]:

4. All marine waters of the state, together with the lands underlying them;
5. Streams and rivers with a mean annual flow of twenty (20) cubic feet per second (cfs) or more;
6. Lakes and reservoirs larger than twenty (20) acres in area; and
7. Wetlands associated with all of the above (this is a specific SMA term which includes related upland, shoreland and wetland areas), all lands within 200 feet of the ordinary high water mark (OHWM) of any water meeting the criteria of 1, 2 or 3 above, and any specifically designated floodplain areas.



Diagram of the Shoreline Jurisdiction

D. Local Shoreline Master Programs

The SMA sets up a process for managing development of the state's shorelines through state monitored, locally administered permitting programs. Local governments are required to prepare a detailed shoreline inventory and a "Shoreline Master Program" to manage shoreline development. Based upon the inventory of local shorelines, a system for categorizing various segments of the shoreline is established through application of shoreline environment designations. The Act specifies that master programs include policy statements (i.e. the required "elements") that take into account economic development, public access, circulation and transportation, recreation, shoreline use, conservation, and historical and cultural aspects of the shoreline area [RCW 90.58.100 (2)]. From these policy statements, regulations are developed which establish appropriate permitted uses within each shoreline environment.

The City of Port Angeles 1993 Shoreline Master Program represents an update of the City's original Master Program which was adopted in 1979. The 1993 Master Program update involves a much higher level of detail than the preceding Master Program in an effort to respond to the City's current shoreline management challenges.

The specifics of existing and prior activities on the shoreline were documented through background knowledge of the City Staff, discussions with Shoreline Committee members, and an inventory conducted by a private consulting firm retained by the City. The planning process emphasized extensive involvement by the Shoreline Citizen's Advisory Committee (SCAC). The SCAC included representatives from a diverse range of organizations and businesses, and SCAC meetings provided a forum for debating key issues. This committee met with City staff and the consultant team on a regular basis to provide guidance and review from November 1993 through June 1994 at which time the Master Program update was submitted to the Department of Ecology for review.

Chapter 2

DEFINITIONS

Accessory Dwelling Unit - Separate living quarters contained within or detached from a single-family residence on a single lot, containing less than 800 square feet of floor area excluding accessory buildings, and shares a single driveway with the primary residence; provided no mobile home or recreational vehicle shall be an accessory dwelling unit.

Accessory Building or Use - One which is subordinate to, and serves a principal building or principal use, and is subordinate in area, extent or purpose to the principal building or principal use served, and is located on the same zoning lot as the principal building or principal use served. An accessory building or use includes, but is not limited to the following:

- a) A children's playhouse, garden house, or private greenhouse;
- b) A garage, carport, or a building for storage incidental to permitted use;
- c) Incinerators incidental to a permitted use;
- d) Storage of goods used in or produced by manufacturing activities, on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
- e) Off-street motor vehicle parking areas and loading facilities; and
- f) Signs as permitted and regulated in each district in these Regulations;

Accretion - The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks, and tombolos.

Act - The Shoreline Management Act, Chapter 90.58 RCW. [WAC 173-27-030(1)].

Adjacent Lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use controls i.e. zoning, etc., for such lands consistent with the policies of the SMA, related rules, and the local master program. See RCW 90.58.340.

Anadromous Fish - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to fresh water rivers and streams to procreate.

Applicant - An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit, however designated. [RCW 90.58.030(1d)].

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single-family residence. Normal appurtenances include a garage, boathouse, pier, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty

cubic yards (except to construct a conventional drainfield). [WAC 173-27-040(1g)].

Aquaculture - The cultivation of fish, shellfish, and/or other aquatic animals or plants, including the harvesting and incidental preparation of these products for human use.

Average Grade Level (Average Elevation Level) - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: Provided, that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure [WAC 173-27-030(3)]. Structures within shoreline jurisdiction shall comply with the definition contained herein.

Backshore - The accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. It may take the form of a more or less narrow storm berm (ridge of wave-heaped sand and/or gravel) under a bluff or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high tide. It is part of the littoral drift process along its seaward boundary.

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

Beach Enhancement/Restoration - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other non-intrusive means as applicable.

Beach Feeding - Process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

Bedlands - Bed of navigable waters.

Beach Scarp - A steep slope produced by wave erosion.

Benthic Organism - Organisms that live in or on the bottom of a body of water.

Berm - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Available Technology - The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective, and preferably with low maintenance.

Bioassay - Laboratory tests involving exposure of select organisms to a sample of water or sediment to determine the potential for acute or chronic effects. Bioassays are typically run

on potentially contaminated materials proposed for water discharge or disposal. Testing protocols are also available to assess dredged material proposed for upland disposal.

Bioengineering - The use of natural, regenerating vegetation to stabilize or protect the shoreline from erosion.

Biofiltration System - A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

Boat Launch or Ramp - Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

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 sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Breakwater - Offshore structure usually aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

Buffer Area - A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts and to provide habitat for wildlife.

Bulkhead - A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action. A normal protective bulkhead is constructed at or near OHW to protect land from erosion, not for the purpose of creating land.

Channel - An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels. [WAC 173-27-030(8b)]. See also Stream.

City - The City of Port Angeles.

Clean Water Act - The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

CFR - Code of Federal Regulations.

Clearing - Clearing is an activity associated with property modification or maintenance.

Clearing means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and /or topsoil material.

Coastline - The line where terrestrial processes give way to marine processes, tidal currents, wind waves, etc.

Community Structure - A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Conditional Use - A use or the expansion of a use permitted on shorelines which, because of certain characteristics requires a special degree of control to make it consistent with the intent and provisions of the Act and these regulations and compatible with other uses permitted on shorelines. Any use which requires a substantial development permit to which "conditions" are attached is considered to be a conditional use.

Conditional Use Permit - Local governments are authorized under the SMA to include provisions for authorizing land uses and developments that may be permitted by conditional use permits (C.U.P.). The purpose of the conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Master Program.

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

Critical Area Ordinances - Ordinances adapted by the City of Port Angeles to protect the city's critical areas in accordance with the Washington State Growth Management Act. Ordinances include the Wetland's Protection Ordinance: Ord. #2655, chapter 15.24, and Environmentally Sensitive Areas Ordinance: Ord. #2656, chapter 15.20.

Critical Salt Water Habitats -

1. Kelp beds (members of the brown algae family *Laminariales*, including *Alaria marginata*, *Alaria nana*, *Alaria tenuifolia*, *Egregia menziesii*, *Eisenia arborea*, *Pterygophora californica*, *Agarum cribosum*, *Agarum fimbriatum*, *Costaria costata*, *Cymathere triplicata*, *Hedophyllum sessile*, *Laminaria* spp., *Pleurophyucus gardneri*, *Dictyoneuropsis reticulata*, *Dictyoneurum californicum*, *Lessioniopsis littoralis*, *Macrocystis integrifolia*, *Nereocystis luetkeana* and *Postelsia palmaeformis*). Kelp beds are found in marine and estuarine intertidal and subtidal areas with a depth of up to 15 meters below mean lower low water (MLLW). The beds can be found on various bottom materials including rocks, boulders, mixed-fines (mixed sand and mud with little gravel), mixed coarse (mixed cobbles, gravel, shell and sand) and cobble.
2. Eelgrass beds (*Zostera* spp.). Eelgrass beds are found in marine and estuarine intertidal and subtidal areas. *Zostera marina* tends to favor the lower parts of intertidal areas and *Zostera japonica*, higher elevation parts. *Zostera* spp. are generally found no deeper than 4 meters below mean lower low water (MLLW). *Zostera* spp. beds can be found on mud bottoms, sand bottoms and mixed-fine (mixed sand and mud with little gravel) bottoms.

Zostera has also been found in subtidal areas with beds of finer material offshore of mixed coarse (mixed cobbles, gravel, shell and sand) intertidal areas.

3. Surf smelt (*Hypomesus pretiosus*) spawning beds. Surf smelt spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) on salt water.
4. Pacific herring (*Clupea harengus pallasii*) spawning beds. Pacific herring spawning beds include the lower portions of salt water beaches (intertidal areas), eelgrass beds, kelp beds, other types of salt water vegetation such as algae and other bed materials such as subtidal worm tubes.
5. Pacific sand lance (*Ammodytes hexapterus*) spawning beds. Pacific sand lance spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) on salt water.
6. Rock sole (*Lepidopsetta bilineata*) spawning beds. Rock sole spawning beds are located in the upper and middle portions of sand or gravel beaches (intertidal areas) on salt water.
7. Rockfish (*Sebastes spp.*) settlement and nursery areas. Rockfish settlement and nursery areas are located in kelp beds, in eelgrass beds, on other types of salt water vegetation and on other bed materials.
8. Lingcod (*Ophiodon elongatus*) settlement and nursery areas. Lingcod settlement and nursery areas are located on beaches (intertidal areas) and subtidal areas with beds of sand, eelgrass, subtidal worm tubes or other bed materials.
9. Shellfish beds. The following shellfish beds are included: the Pacific oyster (*Crassostrea gigas*), the Olympia oyster (*Ostrea lurida*), the razor clam (*Silqua patula*), the native little neck clam (*Protothaca staminea*), the Manila clam (*Venerupis japonica*), the butter clam (*Saxidomus giganteus*), the Geoduck (*Panope generosa*), the horse clam (*Schizothaerus nuttalli* and *Schizothaerus capax*), the cockle (*Clinocardium nuttalli*), the macoma (*Macoma spp.*) and the eastern soft shell clam (*Mya arenaria*).

Degrade - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level. [RCW 90.58.030(3d)].

Director - The City of Port Angeles Director of Planning.

Dolphin - A cluster of piles bound together.

Downdrift - The direction of movement of beach materials.

Dredge Spoil - The material removed by dredging. Same as Dredge Material.

Dredging - Excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or for cleanup of polluted sediments.

Drift Sector - A particular reach of marine shore in which littoral drift may occur without significant interruption, and which contains any and all natural sources of such drift, and also any shoreform(s) accreted by such drift. Each normal drift sector contains these shore process elements: feeder bluff or estuary, driftway, littoral drift, and accretion shoreform.

Drift Sills - Small groins which hold sediments in place without blocking longshore drift.

Driftway - That portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

Dune - A hill or ridge of sand piled up by the wind and/or wave action.

Ecology (WDOE) - The Washington State Department of Ecology, also referred to as the Department.

Effluent - The liquid that flows out of a facility or household into a water body or sewer system. For example, the treated liquid discharged by a wastewater treatment plant is the plant's effluent.

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 master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements. [RCW 90.58.030(3)(e)(iii); WAC 173-27-040(1d)].

Enhancement Alteration of an existing wetland or habitat to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from wetland/habitat creation or restoration projects.

Envelope - The enclosing shell of a building's volume.

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

Estuary - The zone in which fresh water and saltwater mingle and affect the total land and water habitat.

Estuarine Zone, Estuary - The zero-gradient sector of a stream where it flows into a

standing body of water together with associated wetlands; tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels branching off the main streamway to form a broad, near-level delta; bank, bed and delta materials are typically silt and clay, banks are stable, vegetation ranges from marsh to forest, and water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

Exemption - Certain developments are exempt from the definition of substantial developments and therefore are exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. [RCW 90.58.030(3e); WAC 173-27-030(6); 040].

Extreme Low Tide - The lowest line on the land reached by a receding tide. [RCW 90.58.030(2a)]. For the purposes of the Shoreline Master Program, it is the contour 4.5 feet below mean Lower Low Water. [WAC 332-30-106 (18)].

Fair Market Value - The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project. [WAC 173-27-030(7)].

Feeder Bluff, Erosional Bluff - Any bluff (or cliff) experiencing periodic erosion from waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

Fetch Length - The horizontal distance along open water over which the wind blows and generates waves.

Floating Home - A floating structure, not a vessel, typically characterized by permanent utilities and a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.

Floodplain - Synonymous with one hundred-year floodplain and meaning that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA. [WAC 173-22-030(2)].

Floodway - Those portions of the area of a river valley lying streamward 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. The floodway is identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the SMA. [RCW 90.58.030(2g); WAC 173-22-030(3)].

Foreshore - In general terms, the beach between mean higher high water and mean lower low water.

Forest Practice - Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010(21).

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.

Grading - Grading is an activity associated with property modification or maintenance. Grading means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials.

Grassy Swale - A vegetated drainage channel designed to remove various pollutants from storm water runoff through biofiltration.

Groin (also referred to as a spur dike or rock weir) - A barrier-type structure extending from the backshore or streambank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials.

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

Height - The distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where they obstruct the view of residences adjoining such shorelines. Temporary construction equipment is excluded in this calculation. [WAC 173-27-030(9)]. For all over-water structures, height shall be measured from ordinary high water mark.

Hook - A spit or narrow cape of sand or gravel which turns landward at outer end.

Houseboat - A vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

Hydric Soil - Soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the biota.

HPA - Hydraulic Project Approval. The permit issued by the Washington State Departments of Fisheries and Wildlife pursuant to the State Hydraulic Code RCW 75.20.100-140.

Intertidal - The vertical zone between average high and average low tides. The intertidal zone of a stationary structure or bank is subject to alternate wetting and drying.

Jetty - A structure(s) projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

Lagoon - See Tidal Lagoon.

Landfill - The placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation.

Levee - A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

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

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

Live-aboard - A person whose principal dwelling is a vessel, a floating home or a houseboat.

Marine Travel Lift - A mechanical device which can hoist vessels off trailers and transport them into the water. Often associated with dry-land moorage.

Marine Railway - A set of rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Mark - A visible line on the bank with respect to vegetation, soil, or other physical line created by erosion, barnacles, or leaching. In the case of two hydrologic systems interacting at the site, the higher of the two marks is used.

Marsh - A wetland where the dominant vegetation is non-woody plants such as grasses and sedges, as opposed to a swamp where the dominant vegetation is woody plants like trees.

Marshes, Bogs, and Swamps - Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land supports predominately hydrophytes; and/or b) the substrate is predominately undrained hydric soil. [WAC 173-22-030 (5)].

Mean Higher High Tide (MHHT) - The arithmetic mean of the higher of two daily high tides calculated from the most recent 19 year tidal cycle.

Mean Lower Low Water (MLLW) - The arithmetic mean of the lower of two daily low tides calculated from the most recent 19 year tidal cycle.

Midden - An ancient refuse heap. Often a source of archaeological material.

Mooring Buoy - A buoy secured to the bottom by permanent moorings and provided with means for mooring a vessel by use of its anchor chain or mooring lines.

Muds - Sediments in which the size of the particles is smaller than 1/16 mm. In order for sediments in a tidal inlet to be classified as critical habitat they need to contain at least 30% by weight of mud (i.e. 30% of the sediments, by weight, have to pass through a 1/16 mm mesh sieve).

Natural Riparian Habitat Corridor - The streamside environment maintained in its natural state, primarily for fisheries and wildlife habitat, water quality improvements, and secondarily for flood control works, while allowing controlled public access to avoid damage to the resource.

Nonconforming Development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions. [WAC 173-27-055(1)]. (*Note: Different definition from PAZC*).

Normal Maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. [WAC 173-27-040(1b)]. See Normal Repair.

Normal Protective Bulkhead - see Bulkhead.

Normal Repair - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. [WAC 173-27-040(1b)]. See Normal Maintenance.

Noxious Weeds - Plants listed as noxious weeds in Chapter 16-750 WAC ?state noxious weeds list and schedule of monetary penalties.?

OHWM, Ordinary High Water Mark - That mark which 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, that the soil has 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 WDOE: 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 fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(6).

Oil Separator - Specialized catch basins designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system.

Percolation - Water seepage through spaces between sediment particles or through porous structures.

Periodic - Occurring at regular intervals.

Pocket Beach - An accretion beach which does not depend on littoral drift accretion but is produced by the erosion of immediately adjacent sources.

Point - A low profile shoreline promontory of more or less triangular shape, the top of which extends seaward.

Public Trust Doctrine - A common law doctrine, rooted in English Common Law, and incorporated into the American legal system. The doctrine provides that navigable waters and their tidelands and shorelands are held in trust by the government for the benefit of all the people. Each state, upon admission to the Union, assumed the role of ?trustee.?

RCW - Revised Code of Washington.

Recreation Facility or Area, Non-Commercial - A facility or area for recreation purposes, such as a swimming pool, park, tennis court, playground, or other similar use operated and maintained by a non-profit club or organization.^{PAZC}

Residence - A building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings. The term "residence" includes the term "residential" as referring to the type, or intended use, of a building.^{PAZC}

Restoration - To revitalize or reestablish the characteristics and natural processes of a degraded shoreline resource.

Revetment - Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

Riparian Management Zone - A specified area alongside a shoreline where specific measures are set out in the Forest Practice Regulations to protect water quality and fish and wildlife habitat. [Ch. 222.30 WAC].

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment.

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

Salmon and Steelhead Habitats - Gravel bottomed streams, creeks and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, and cover and refuge from predators and high water; streams, creeks, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

Salt Tolerant Vegetation - Vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand. [Ch. 173.22 WAC].

Scarification - Loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

Seawall - 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.

Seaward - To or toward the sea.

Sediment - The material deposited by water or wind.

Setback - The required minimum distance between property line, shoreline or other designated feature (e.g., bluff line) and any structure or development feature specified in the regulation (e.g., parking lot). Setbacks shall be measured horizontally and perpendicular to the line from which the setback is taken. Shoreline setbacks shall be measured from the ordinary high water mark.

Shoreline Environment Designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. [WAC 173-16-040(4)].

Shoreline Jurisdiction (Associated Wetlands [Jurisdictional]) - The proper term describing all of the geographic areas covered by the SMA, related rules, and the applicable master program. Those lands extending landward for 200 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 marshes, bogs and swamps, and deltas associated with the streams, lakes, and tidal waters subject to the SMA. See RCW 90.58.030 (2f), WAC 173-16-030(17); WAC 173-22-030(10). Also, such areas within a specified local government's authority. See definitions of "Shorelines", "Shorelines of the State", and "Shorelines of Statewide Significance."

Shoreline Master Program (SMP) - The comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

Shoreline Permit - A substantial development, conditional use, revision, or variance permit or any combination thereof. [WAC 173-27-030(13)].

Shorelines - All of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines Hearings Board (SHB) - A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. [RCW 90.58.170; 90.58.180; and WAC 173-27-170; 173-27-174].

Shorelines of Statewide Significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA [RCW 90.58.020]. Within the City's jurisdiction all those areas lying seaward from the line of extreme low tide to the international boundary in the Strait of Juan de Fuca are shorelines of statewide significance. [RCW 90.58.030 (1)(e)(iii)].

Shorelines of the State - Shorelines and Shorelines of Statewide Significance.

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 - As defined by WAC 197-11-794: (1) Significant as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality. (2) Significance involves context and intensity (WAC 197-11-330) and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity

depends on the magnitude and duration of an impact. The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred. (3) WAC 197-11-330 specifies a process, including criteria and procedures, for determining whether a proposal is likely to have a significant adverse environmental impact.

Single-family residence (SFR) - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. [WAC 173-27-040(1g)].

Slash - The organic debris which is produced by logging operations.

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

Soil Bioengineering - An applied science which combines structure, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

Solid Waste - The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste on any land area, on, or in the water.

Solid Waste Disposal - All putrescible and nonputrescible 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 vehicle: household appliances and other discarded commodities. Solid waste does not include sewage, dredge material or agricultural or other commercial logging wastes not specifically listed above.

Spit - An accretion shoreform which extends seaward from and parallel to the shoreline. It is usually characterized by a wave-built berm on the windward side and a more gently sloping, muddy or marshy shore on the leeward side. A curved spit is normally called a hook.

SSDP - Shoreline Substantial Development Permit.

Streamway - A general term describing the bed and banks of a stream.

Structure - Anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water, but not including fences or walls used as fences six feet or less in height.

Substantial Development - Any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. See also definition of Development and Exemption.

Subtidal - The area of the marine environment below extreme low tide.

Sustainable Development - Development which maintains a balance between the health of the natural environment and the needs of the human community which lives within it.

Swamp - A wetland where the dominant vegetation is composed of woody plants like trees, as opposed to a marsh where the dominant vegetation is non-woody plants like grasses.

Tidal Flats - Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

Tidal Lagoon - A body of saline water (salinity greater than 0.5 parts per thousand) with a constricted or subsurface outlet which is subject to the periodic, but not necessarily daily, exchange of water with Puget Sound or a tidal inlet. The exchange may occur seasonally, during storms, or during the highest spring tides. The connection between the sea and the lagoon does not necessarily have to be on the surface; the connection can be subsurface through permeable gravel or sand berms.

Tidal Prism - The volume of water present between mean low and mean high tide.

Tidal Range - The difference in height between consecutive high and low tides.

Tidal Water - Includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream. [WAC 173-22-030(9)].

Tidelands - Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

Upland - Generally described as the area above and landward of the OHWM.

Use - The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of the Zoning Regulations.

Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory use.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program. Variance permits must be specifically approved, approved with conditions, or denied by Ecology [See WAC 173-27-15].

Vessel - A ship, boat, barge, or any other floating craft which is designed and used for navigation and does not interfere with normal public use of the water. [WAC 173-27-030(18)].

WAC - Washington Administrative Code.

Wharf - A structure or platform of timber, masonry, earth or other material, built usually parallel to shore line of harbor or river extending outwards to deep water, permitting vessel to berth to discharge or receive cargo or passengers.

Water-dependent - A use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment - A recreational use, or other use facilitating 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 character of the use and which through the location, design and operation assure 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 space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

Water-oriented - Refers to any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all-encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Non-water-oriented examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores, and gas stations.

Water-related - A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

WDF - Washington Department of Fisheries and Wildlife.

WDOE - See Ecology

Wetlands, Jurisdictional (Shoreline Jurisdiction)- Those areas 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 marshes, bogs and swamps and river deltas associated with the streams, lakes and tidal waters subject to the Shoreline Management Act (Ch. 90.58 RCW). For the purposes of this master program, the term "associated wetlands" includes biological wetlands and other dry upland areas contained within SMA jurisdiction. This definition has the same meaning as "wetlands or wetland area" as defined in RCW 90.58.030(2)(f).

Wetlands, Biological (marshes, bogs and swamps) - Those areas defined in WAC 173-22-030(5) as "marshes, bogs, and swamps". For the purpose of this master program, the terms "biological wetland" or "marsh, bog, or swamp" are used as a subcategory of "jurisdictional wetlands" and are analogous to the term "wetland", as commonly used.

Wetland Mitigation - Avoiding and minimizing adverse impacts to wetlands, including, in the following order of preference:

- g) Avoiding the impact altogether by not taking a certain action or parts of an action;
- h) Minimizing impacts by limiting the degree of magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- i) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- j) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- k) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

Zoning - The designation by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Chapter 3

Goals

A. Shoreline Use Element

1. Utilize Port Angeles Harbor/Ediz Hook shorelines to maximize water-oriented industrial, mixed commercial, educational, cultural, and recreational uses.
2. Promote a range of water-oriented industrial and marina uses in the Harbor area generally west of Cherry Street (extended) and along appropriate sections of Ediz Hook.
3. Promote a mix of recreational, boating and commercial uses generally between Cherry Street ROW (extended) and Eunice Street ROW (extended). Establish this area as an attractive mixed-use International Gateway district serving visitors and local citizens.
4. For shorelines near the City limits and potential annexation areas, set shoreline designations that are consistent with Clallam County shoreline and land use policies.
5. Establish and implement policies and regulations for shoreline use consistent with the Shoreline Management Act of 1971, as amended.
6. Ensure that proposed shoreline uses are located and developed in a manner that will maintain or improve the health, safety and welfare of the public.
7. Ensure that activities and facilities are located on the shorelines in such a manner as to retain or improve the quality of the environment.
8. Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.
9. Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.
10. Encourage joint-use activities in proposed shoreline developments.
11. Encourage restoration of shoreline areas which have been degraded or diminished in ecological value and function as a result of past activities or human generated catastrophic events.
12. Ensure that planning, zoning and other regulatory and nonregulatory programs governing lands adjacent to shoreline jurisdiction are consistent with SMA policies and regulations and the provisions of this SMP.
13. New residential development should be designed to protect existing shoreline and water views and to minimize impacts on marine bluffs.

B. Economic Development Element

1. Port Angeles' shorelines are a major economic resource of the City and the state. Ensure that the needs of industrial, commercial, recreational and visitor's services-based enterprises are encouraged within the directives of the Shoreline Management Act (SMA).

2. Enhance Port Angeles' unique setting, location and conditions to support manufacturing, shipping, timber-related activities, recreational boating, and visitor service activities.
3. Recognize current economic activity (e.g. tourism, shipping, marinas, manufacturing, etc.) which is consistent with the objectives of the SMP and provide for environmentally sensitive new development.
4. Ensure healthy, orderly economic growth by allowing those economic activities which will be an asset to the local economy.
5. Develop, as an economic asset, the recreation industry along shorelines in a manner which will enhance the public enjoyment of shorelines.
6. Limit new shoreline industrial and commercial development to water-dependent, water-related, or water-enjoyment uses. Allow non-water-oriented uses only when they are accessory to water-oriented uses.

C. Circulation Element

1. Provide safe, reasonable and adequate circulation systems while contributing to the functional and visual enhancement of the shoreline.
2. Provide for alternate modes of travel with some freedom of choice and encourage multiple-use corridors where compatible.
3. Acquire and develop physical and visual public access where topography, view and natural features warrant as a result of new transportation development in shoreline areas (e.g. turnouts, rest areas).
4. Encourage marine transportation facilities on appropriate shorelines.

D. Conservation Element

1. Protect "critical areas" including bluffs, streams, wetlands and eelgrass beds.
2. Develop and implement sustainable resource management practices for both renewable and nonrenewable shoreline resources.
3. Ensure that utilization of a resource takes place with the minimum adverse impact to natural systems and quality of the shoreline environment.
4. Encourage the restoration or enhancement of shoreline resources.
5. Preserve the scenic aesthetic quality of shoreline areas and vistas as feasible.
6. Protect water quality.
7. Protect marine bluffs.
8. Promote environmental conservation activities such as educational, research and cleanup programs.
9. Protect feeder bluffs from erosion caused by human activities.

10. Protect Ediz Hook.
11. Enhance fisheries resources.

E. Public Access Element

1. Provide, protect and enhance a public shoreline access system which is both physical and visual and which increases the amount and diversity of public access. Ensure access for elderly and disabled persons.
2. Enhance the City's Waterfront/Discovery Trail with site improvements. Orient new facilities to take advantage of it.
3. Connect the City's Waterfront/Discovery trail to other recreational, civic and commercial activities.

F. Recreational Element

1. Provide for a variety of active and passive recreational opportunities.
2. Build on existing City assets and efforts related to recreation and public access.
3. Coordinate with the City Department of Parks and Recreation and Port of Port Angeles to optimize opportunities for water-oriented recreation.
4. Integrate recreational elements into federal, state and local public access and conservation planning.

G. Historical/Cultural Element

1. Recognize and enhance Ediz Hook and other lands within shorelines jurisdiction as an important cultural resource for the Lower Elwha Klallam tribe. Protect resources there and promote cultural activities and features.
2. Recognize, protect, preserve and restore important archaeological, historical and cultural sites located in shorelands for educational, scientific and enjoyment of the general public.
3. Encourage acquisition of historical/cultural sites through dedication or gift, so as to ensure their protection and preservation.
4. Encourage educational projects and programs which foster a greater appreciation of the importance of shoreline ecosystem management, maritime activities, environmental conservation and maritime history.

Chapter 4

General Policies and Regulations

A. Universally Applicable Regulations

The following regulations describe the requirements for all shoreline uses and activities.

1. All shoreline uses, and shoreline modification activities including those which do not require a shoreline substantial development permit (SDP), must conform to the policies and regulations of this master program.
2. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of this master program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.
3. Shoreline uses, modification activities and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit.
4. The "policies" listed in this master program will provide broad guidance and direction and will be used by the City in applying the "regulations".
5. Where provisions of this master program conflict, the more restrictive of the provisions shall apply unless specifically stated otherwise.

B. Archaeological and Historic Resources

Applicability

Archaeological and historic resources, because of their finite nature, are valuable links to our past and should be considered whenever a development is proposed along the state's shorelines. Where such resources are either recorded at the State Historic Preservation Office and/or with local jurisdictions, or have been inadvertently uncovered, the following policies and regulations apply.

Policies

1. Due to the limited and irreplaceable nature of the resource, public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities.
2. Due to the traditional villages, homesites, and burial grounds of the Lower Elwha Klallam Tribe documented along the Port Angeles Harbor, the vested interest of the Tribe should be respected.
3. The City of Port Angeles will inventory and map cultural sites with consideration of the cultural significance and protect sensitive information from public disclosure.

Regulations

1. Proposed construction sites not previously inventoried, evaluated, and reviewed will be evaluated by a cultural review team. The team will include a professional archaeologist, a representative of the Lower Elwha Klallam Tribe, the site owner, and the City Planning

Department. This team will determine the extent of excavation monitoring for the project during the permit review process.

As an alternative, the proponent may volunteer to have an approved archaeologist on site during excavation in lieu of a review by the aforementioned cultural review team.

2. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City of Port Angeles if any phenomena of possible archaeological interest are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly salvaged.
3. When the City, in consultation with State Historic Preservation Office, determines that a site has significant archaeological, historical, or cultural value, a Shoreline Permit shall not be issued which would pose a threat to the site. 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 and associated data.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Ch. 27.44 RCW (Indian Graves and Records) and Ch. 27.53 RCW (Archaeological Sites and Records) and shall comply with Ch. 25-48 WAC as well as the provisions of this master program.
6. Archaeological excavations may be permitted subject to Chapter 25-48 WAC and the provisions of this program.
7. Identified 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.
8. When interpretive signs are provided for historical and archaeological features and cultural areas with Native American affiliations, the language on said signs shall be checked for accuracy by the Lower Elwha Klallam Tribe.

C. Clearing and Grading

Applicability

Clearing and grading is the activity associated with developing property for a particular use including commercial, industrial, recreational and residential uses. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees, including, but not limited to, root material removal and/or topsoil removal. This includes such activities as clear-cutting or selective harvest of trees, chipping of stumps and hauling off of shrubs, slash piles, etc. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. This includes removing the duff

layer, all surcharging, preloading and recontouring the ground and may include minor excavation and filling. "Landfill" addresses the placement of dry fill on existing dry or existing wet areas.

Policies

1. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat, sedimentation of creeks, streams, ponds, lakes, wetlands and other water bodies, and degradation of water quality.
2. Negative environmental and shoreline impacts of clearing and grading should be avoided.
3. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or, in limited circumstances, with other species contained in City approved plant lists.
4. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age and cover density.
5. For extensive clearing and grading proposals, a clearing and grading plan addressing species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection should be required conforming to the standards for the maximum percentage of site clearing permitted.
6. Native plant communities within and bordering state shorelines including, but not limited to, wetlands, lakes, rivers and unstable bluffs, should be protected and maintained to minimize damage to the Ecology and environment of the shoreline area.
7. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to arrest the processes of erosion, sedimentation and flooding.
8. The design and use of naturally regenerating systems for prevention and control of beach erosion should be encouraged where:
 - a. The length and configuration of the beach will accommodate such systems;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. Beach restoration/enhancement will accomplish the following objectives:
 - i. Recreate or enhance natural shoreline conditions and habitat;
 - ii. Reverse otherwise erosional conditions; and
 - iii. Enhance access to the shore, especially to public shores.
9. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

Regulations

1. All clearing and grading should also comply with the City's Clearing and Grading Ordinance and the City's (Interim) Critical Area Ordinances which include the Wetlands Protection Ordinance and the Environmentally Sensitive Areas Protection Ordinance. In

the core where SMP and other ordinances differ, the most stringent regulation shall apply as interpreted by the City.

2. All clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development.
3. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these clearing and grading regulations. In addition, clearing by hand-held equipment of invasive nonnative shoreline vegetation or plants listed on the state Noxious Weed List is permitted in shoreline locations if native vegetation is promptly reestablished in the disturbed area.
4. Any significant placement of materials from off-site, (other than surcharge or preload) or substantial creation or raising of dry upland shall be considered landfill and shall also comply with the landfill provisions in Chapter 7, Shoreline Modification Activity Policies and Regulations.
5. Destructive clearing and grading is prohibited on steep slopes and other "critical areas" identified in the City's Critical Area Ordinances (Chapters 15.20 & 15.24 PAMC).
6. Wherever possible, development of commercial, industrial, residential and/or recreational uses shall be located away from shorelines which have been identified as unstable and/or sensitive to erosion.
7. Restoration of any shoreline which has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site.
8. Stabilization of exposed erosion prone surfaces along shorelines including but not limited to rivers, streams and marine systems, shall, wherever feasible, utilize soil bioengineering techniques.

D. Environmental Impacts

Policies

1. The impacts of shoreline uses and shoreline modification activities on the environment should be minimized during all phases of development (e.g. design, construction, management and use).

Regulations

1. The location, design, construction and management of all shoreline uses and modification activities shall protect the quality and quantity of surface and ground water adjacent to the site and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and related regulatory agencies.
2. Solid and liquid wastes and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.
3. The release of oil, chemicals or hazardous materials onto land or into the water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in safe and leak-proof condition. If there is evidence of

leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

4. All shoreline uses and activities shall be located, designed, constructed and managed in a manner which minimizes adverse impacts to surrounding land and water uses and is aesthetically compatible with the affected area.
5. All shoreline uses and activities shall utilize best management practice (BMP) measures to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not significantly adversely affected. Such measures may include but are not limited to dikes, catch basins or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.
6. All shoreline uses and activities shall utilize effective erosion control methods during both project construction and operation.
7. All shoreline uses and activities shall be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
8. All shoreline uses and activities shall be located, designed, constructed and managed to minimize interference with beneficial natural shoreline processes such as water circulation, sand and gravel movement, erosion, and accretion.
9. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
10. All shoreline uses and activities shall be located and designed to minimize the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins or substantial site regrades.
11. Navigation channels shall be kept free of hazardous or obstructing uses and activities.
12. Development over the water shall be constructed of nonreflective materials which are compatible in terms of color and texture with the surrounding area.

E. Environmentally Sensitive Areas

Applicability

Environmentally sensitive areas constitute the most fragile lands which support resources that are economically and culturally important to the state under the SMA. They can be natural resources which provide fisheries habitat for example, or areas that may threaten the health and safety of the public, such as floodways or unstable bluffs, etc. This section is divided into five categories: (1) general provisions, (2) geological hazard area provisions, (3) kelp beds, eelgrass beds, herring spawning areas, smelt spawning areas and other critical salt water habitats, (4) wetland provisions, and (5) salmon and steelhead habitat provisions.

"Environmentally sensitive areas" shall mean those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified in a

scientifically documented inventory accomplished as part of the SEPA/NEPA process, Critical Area Ordinances, including the Wetlands Protection Ordinance, Chapter 15.24 PAMC, and Environmentally Sensitive Area Protection Ordinance, Chapter 15.20 PAMC, or other recognized assessment. Environmentally sensitive areas include but are not limited to:

1. Geological hazard areas
2. Wildlife habitat areas
3. Critical saltwater habitats
4. Wetlands
5. Salmon and steelhead habitats

Policies

1. Unique, rare and fragile natural and man-made features as well as scenic vistas and wildlife habitats should be preserved and protected from unnecessary degradation or interference.
2. Intensive development on shorelines which are identified as hazardous for or sensitive to development should be discouraged.

Regulations

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region and to facilitate the appropriate human intensity of use of such features, including but not limited to:
 - a. Estuaries, marshes, bogs and swamps;
 - b. Fish, shellfish and wildlife habitats, migratory routes and spawning areas;
 - c. Kelp beds, eelgrass beds, herring spawning areas and smelt spawning areas;
 - d. Accretion shore forms;
 - e. Natural or man-made scenic vistas or features;
 - f. Bluffs and geologic hazard areas; and
 - g. Floodways.
2. When a development site encompasses environmentally sensitive areas, these features shall be left intact and maintained as open space or buffers. All development shall be set back from these areas to prevent hazardous conditions and property damage, as well as to protect valuable shore features.
3. All shoreline development shall be designed in accordance with all applicable local and FEMA flood control management codes and regulations, the State Environmental Policy Act, the City's Critical Areas Ordinances which include the Wetlands Protections Ordinance and the Environmentally Sensitive Areas Ordinance and other applicable local land use codes. Where these SMP provisions differ from those in any other regulation or ordinance, the most restrictive, as interpreted by the City, shall apply.

F. Geological Hazard Areas

Applicability

Geological hazard areas are areas susceptible to severe erosion or slide activity, such as unstable bluffs, and include areas with high potential for earthquake activity. They are identified in the Port Angeles Environmentally Sensitive Areas Protection Ordinance #2656 as "geologically hazardous areas" and/or "landslide hazard areas." In general, they are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety.

Vegetation removal during development of adjacent uplands alters surface runoff and ground water infiltration patterns and can lead to increased bluff instability.

Homes and other developments are often constructed very close to the top of bluffs in order to capitalize on views. In response to accelerated erosion rates, or on considering the results of normal erosion rates, land owners frequently turn to bulkheading the toe of the slope.

A bluff is a steep headland, promontory, broad faced bank or cliff running adjacent to and rising up from the shoreline. For the purpose of measuring setbacks from the top of a bluff, the following shall apply. A bluff rises up from the OHWM to the first significant break in slope. The "first significant break" in slope is a bench at least 30 feet deep, has access, and is otherwise available for construction. The top of a bluff is measured from the point where the first significant break in slope occurs.

Policies

1. Development should be permitted only in locations where no slope protection is necessary or where nonstructural protection is sufficient for the life of the project.
2. Clearing vegetation on and within edges of bluffs should be avoided. Retention of a natural buffer should be encouraged.
3. Structures should be designed and constructed in a manner that provides safety for the useful life of the structure and does not require construction of a retaining wall or bulkhead during that same time span.
4. Subdivision of lots on bluffs should allow sufficient lot depth for development to occur without need for bulkheading or other structural stabilization.
5. All sites indicated in the *Coastal Zone Atlas*, local sensitive area maps, or other engineering documents to be on unstable material, river banks or old landslides, shall require a geotechnical report assessing the safety of the site and addressing drainage, grading and clearing requirements.

Regulations

1. Construction activity shall not increase or result in slope instability or sloughing.
2. Tree clearing and vegetation removal shall be limited to the minimum extent necessary to allow construction of the proposed development, or if a geotechnical report indicates that the tree clearing and vegetation removal will be beneficial to protecting the stability of the bluff.

3. Surface drainage down the face of the bluff shall be contained in a tight line (closed, nonleaking pipe) for discharge at the shoreline in such a way that erosion will not occur.
4. Surface drainage away from the bluff shall also use a tight line or some other approved method for discharge into a natural drainage course.
5. Stormwater infiltration systems will be discouraged unless designed by a licensed civil engineer and a soil or geology engineering report verifies that slope stability will not be affected.
6. Proposals for developments on or immediately adjacent to unstable bluffs shall include the following information in their application:
 - a. Soils, topography and existing vegetation; slopes greater than 40%;
 - b. Existing drainage patterns and how they may be changed;
 - c. Proposed vegetation removal and grading together with an erosion control plan; and
 - d. Proposed structure and use locations.
7. A geotechnical report shall be required when:
 - a. Activity is within 200 feet of the top of a bluff classified as an environmentally sensitive area; or
 - b. Activity is within 200 feet of the shoreline OHWM when the vertical height of the bank exceeds 10 feet; and has a slope of 40% or greater.
8. The geotechnical report shall contain:
 - a. Soils and erosion rates;
 - b. Drainage; including septic system drainage if applicable;
 - c. Vegetation management options;
 - d. Recommended setback to avoid need for building bulkhead during life of project;
 - e. Evaluation and statement on stability and safety of structure;
 - f. Evaluation and statement on stability of bluff; and
 - g. Seismic hazard.

G. Kelp Beds, Eelgrass Beds, Herring Spawning Areas, Smelt Spawning Areas, Shellfish Areas and Other Critical Salt Water Habitats

Applicability

The Growth Management Act, in RCW 36.70A.060 and 170, requires local governments to designate and protect critical areas. This requirement applies both to local governments planning under the Growth Management Act and all other local governments. The Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas, in WAC

365.190.080(5)(a)(4), designate kelp beds, eelgrass beds, herring spawning areas and smelt spawning areas as critical areas. The minimum guidelines also designate commercial and recreational shellfish areas as critical areas.

The Washington State Department of Fish and Wildlife has identified the four critical areas listed above and the habitats of several other salt water fish as saltwater habitats of special concern. These additional habitats include Pacific sand lance spawning beds, rock sole spawning beds, rockfish settlement and nursery areas and lingcod settlement and nursery areas.

Policies

1. Critical saltwater habitats provide critical rearing and nursery areas for valuable recreational and commercial species. They provide habitat for many marine plants, fish and animals. These habitats should be protected because of their importance to the marine ecosystem and the state and local economy.
2. Critical salt water habitats are defined in Section 2, Definitions.
3. Except for public or semipublic facilities where no alternative location is available uses, activities and structures should not be located in critical saltwater habitats.
4. Developments within or adjacent to critical salt water habitats should not directly or indirectly change the composition of the beach and bottom substrate. Habitat enhancement and restoration projects may change beach or bottom substrata when appropriate to restore or enhance habitats.
5. Developments outside critical salt water habitats but which have the potential to significantly affect these habitats should be located and designed so they do not create significant negative impacts on critical salt water habitats.
6. Where uses, activities, and structures must locate where they will affect critical salt water habitats, the project should be designed and constructed to minimize adverse impacts on the environment and the critical salt water habitats.
7. Project proponents should contact the Habitat Management Division of the Department of Fish and Wildlife and the Aquatic Resources Division of the Department of Natural Resources early in the development process to determine if the available data show the proposal will occur in a known critical salt water habitat.
8. When reviewing permits for uses, activities and structures in salt water areas waterward of the ordinary high water mark (OHWM), staff should contact the Habitat Management Division of the Department of Fish and Wildlife and the Aquatic Resources Program of the Department of Natural Resources to determine if the proposal will occur in a known critical salt water habitat.
9. A project proponent should conduct a reconnaissance study to determine whether critical salt water habitats are present within an area affected by a proposed development as provided below.
 - a. For areas which may be used by fish which spawn on sand, gravel, or sand and gravel beaches and shellfish beds, the project proponent shall conduct a reconnaissance study to determine whether critical salt water habitats are present

within an area affected by a proposed development if all of the following conditions are met:

- i. The proposed use or activity has a significant potential to adversely affect a critical salt water habitat.
 - ii. The beach which the development or use may affect is the type of environment in which a critical salt water habitat typically occurs.
 - iii. The existing data available from the resource agencies do not show whether the site is occupied by a critical salt water habitat.
- b. For kelp beds, eelgrass beds, rockfish settlement and nursery areas, and lingcod settlement and nursery areas, a project proponent shall conduct a reconnaissance study to determine whether critical salt water habitats are present within an area affected by a proposed development if all of the following conditions are met:
- i. The proposed use or activity has a significant potential to adversely affect a critical salt water habitat.
 - ii. The salt water area which the development or use may affect is the type of environment in which a critical salt water habitat may occur.
- c. For all areas, the study should be designed in consultation with the local governments, affected state and federal resource agencies, and affected Indian Nations. The study should take place during the growing season.

Regulations

1. Landfills shall not intrude into critical salt water habitats or their buffer areas.
2. Bulkheads and shoreline modification and stabilization structures shall not intrude into critical salt water habitats, except as provided in regulation 5 below. Where an existing bulkhead or structure cannot be removed because of environmental, safety, or geological concerns, the least environmentally impacting alternative shall be used. Any replacement bulkhead or shoreline protection structure shall be located as close to the existing structure as appropriate.
3. Marinas and over-water residences of any type (including floating homes, houseboats and liveaboards) shall not be located over critical salt water habitats. These facilities shall be designed and located to avoid impacts to critical salt water habitats.
4. Floats, rafts, docks and boathouses shall not be located over critical salt water habitats, except as provided in regulation 5 below. Floats, rafts, docks, boathouses and associated moorings shall not shade eelgrass, algae and other saltwater vegetation. Anchoring systems for these structures shall not adversely affect critical salt water habitats.
5. Industrial docks, commercial and industrial vessel moorage, navigation channels, breakwaters, jetties, groins and public shoreline protection structures shall not intrude into critical salt water habitats unless the proponent shows all of the following conditions are met:
 - a. An alternative location is not feasible.

- b. The project is designed to minimize its impacts on critical salt water habitats and the environment.
 - c. Any adverse impacts will be mitigated.
 - d. The facility is in the public interest.
6. Publicly owned recreational facilities such as boat launches shall avoid critical salt water habitats. Where these areas cannot be avoided, publicly owned recreational facilities shall be designed to minimize their impacts on critical salt water habitats and mitigate any adverse impacts.
7. Anchorage and mooring floats shall not be located over critical salt water habitats.
8. In-water dredge spoil disposal sites shall be prohibited in critical salt water habitats or in locations where the disposal of dredge spoil materials is likely to result in the deposition of sediments on critical salt water habitats.
9. Aquaculture uses shall not be established in or expanded into or over critical salt water habitats without appropriate environmental impact analysis.
10. Except as a habitat improvement or restoration measure, aquatic herbicide treatments, mechanical removal of vegetation and aquatic pesticide treatments shall not be used on critical salt water habitats. Where alternative management methods will not work, *Zostera japonica* may be removed from areas currently used for aquaculture.
11. Bridges, causeways and in-water utility corridors shall not intrude into or adversely affect critical salt water habitats unless the proponent shows all of the following conditions are met:
 - a. An alternative alignment is not feasible.
 - b. The project is designed to minimize its impacts on critical salt water habitats and the environment.
 - c. Any adverse impacts will be mitigated.
 - d. The facility is in the public interest.
12. Sand, gravel, or other materials shall not be mined or removed from critical salt water habitats or areas where the activity will adversely affect critical salt water habitats.
13. Outfalls and discharge pipes shall not be located in critical salt water habitats or areas where outfall or discharge will adversely affect critical salt water habitats, unless the proponent shows all of the following requirements are 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 subtidal zone.
 - d. The disturbed area is revegetated, if it was vegetated before construction.

- 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 significantly affect critical salt water habitats.
- f. The use is in the public interest.

H. Marshes, Bogs, and Swamps

Applicability

The following provisions apply to all marshes, bogs and swamps (biological wetlands), delineated according to the most recent version of the *Federal Manual For Identifying and Delineating Jurisdictional Wetlands*.

Policies

1. All wetlands should be protected from alterations which adversely impact them so there is no net loss of wetland acreage and functions. The greatest protection should be provided to wetlands of exceptional resource value, defined as those wetlands that include rare, sensitive or irreplaceable systems such as:
 - a. Documented or potential habitat for an endangered, threatened or sensitive species;
 - b. High-quality native wetland systems;
 - c. Significant habitat for fish or aquatic species as determined by the appropriate state resource agency;
 - d. Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the U.S. Fish and Wildlife Service classification system;
 - e. Mature forested swamp communities;
 - f. Estuarine wetlands, kelp beds or eelgrass beds.
2. A wetland buffer zone of adequate width should be maintained between a wetland and any adjacent development to protect the functions and integrity of the wetland. All activities which potentially affect wetland ecosystems should be controlled within both the wetland and the buffer zone to prevent adverse impacts.
3. No wetland alteration should be authorized unless it can be shown that the impact is unavoidable, necessary and minimized and that any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands.
4. Wetland restoration, creation and enhancement projects should result in improved wetland acreage and wetland restoration, creation and mitigation for functions.

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

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

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

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

5. The City does not intend to deny all economic use of any property subject to these policies and regulations, except as the public trust doctrine would limit the use of the property. This policy will be implemented through the appropriate application of the following: project design standards, transfers of development rights, mitigation and variances.

Regulations

General

1. For identifying and delineating a marsh, bog or swamp, applicants shall use the most recent edition of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.
2. No development or activity including removing or disturbing soil, filling, changing the water level, placing obstructions, constructing a structure, destroying or altering vegetation or introducing pollutants may be permitted within a wetland or its buffer unless authorized by a conditional use permit.
3. Development or activities shall not be authorized in a wetland except where it can be demonstrated that:
 - a. The impact is both unavoidable and necessary;
 - b. Unavoidable and necessary impacts are minimized, and any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands of equivalent or greater resource value, including acreage and function;
 - c. The restored, created or enhanced wetland will be as persistent as the wetland it replaces; and
 - d. The applicant demonstrates sufficient scientific expertise, supervisory capability and financial resources to carry out the proposed replacement activity.
4. For wetlands of exceptional resource value, the applicant, in addition to complying with the provisions above, shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.

Mitigation and Development

1. Mitigation shall be as required in the City's Wetland Protection Ordinance, Section 15.24.070 PAMC. If provisions two through eight contradict the Wetland ordinance the more restrictive shall apply. In-kind replacement of functions and values shall be provided, unless it is found that in-kind replacement is not feasible or practical due to the characteristics of the existing wetland and a greater environmental benefit can be

- demonstrated by an alternative. In such cases, substitute resources of equal or greater ecological value shall be provided.
2. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available technology.
 3. On-site replacement shall be provided, unless it is found that on-site replacement is not feasible or practical due to physical features of the property and a greater environmental benefit can be demonstrated by an alternative. In such cases, replacement shall occur within the same watershed and proximity.
 4. Except as noted in regulation five below, at a minimum, wetland acreage shall be replaced at a ratio of acreage replaced to acreage lost of 1.25:1. For wetlands of exceptional resource value, the minimum acreage replacement ratio shall be 6:1. Actual replacement acreage will be determined case-by-case, based on the following criteria:
 - a. Projected losses or gains in wetland functions and value;
 - b. Location of replacement wetlands;
 - c. The time required to reestablish lost functions;
 - d. The uncertainty of the probable success of the project;
 - e. The type of compensation (enhancement proposals shall require twice the acreage replacement as restoration and creation proposals); and
 - f. Variety of the wetland type being impacted.
 5. Acreage replacement may be authorized at 1:1 where it is found through special studies coordinated with agencies with expertise, or through advance compensation, that no net loss of wetland function results.
 6. Replacement wetlands shall be completed prior to or concurrent with wetland alteration, and immediately after activities that will temporarily disturb wetlands activities.
 7. A compensation plan shall be required for developments or activities which result in unavoidable and necessary wetland alterations. The plan shall include the following elements:
 - a. Baseline information for the impacted wetland and the proposed replacement site;
 - b. Environmental goals and objectives describing the purposes of the mitigation measures, a description of the site selection criteria and identification of target evaluation species and resource functions;
 - c. Performance standards including specific criteria for fulfilling goals and objectives and for beginning remedial action or contingency measures;
 - d. Detailed construction plan including work schedule, revegetation information, buffers, estimated cost, site plan with contours and elevation and other information;

- e. Monitoring program outlining the approach for assessing a completed project over a ten-year period. A report shall be submitted annually, at a minimum documenting milestones, success, problems and contingency actions; and
 - f. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.
8. Where restoration, creation or enhancement activities are proposed, the applicant shall be required to:
- a. File a performance bond or other approved security in an amount to enable the regulatory authority to carry out the compensation plan should the applicant fail to do so; and
 - b. Compensation areas shall be permanently protected through legal instruments such as sensitive area tracts, conservation easements or a comparable use restriction.

Buffers

- 1. Wetland buffers shall be established as required in 15.24.070 of the Port Angeles Ordinance #2655. In the event that Ordinance 2655 is altered or modified, the following standards shall apply, at a minimum.
- 2. A wetland buffer zone of 200 feet shall be required adjacent to wetland areas of exceptional resource value unless a greater distance is required by other provisions of this program. For all other wetland systems, a wetland buffer zone of 100 feet shall be required, except that buffers less than 100 feet but no less than 25 feet may be authorized as a conditional use.
- 3. Wetland buffer zones shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. Developments and activities shall not be allowed within the buffer except for:
 - a. Minor activities which are found to have no adverse impact on the wetland functions or integrity;
 - b. Stormwater management facilities having no feasible alternative location outside of the buffer; or
 - c. Linear developments having no feasible alternative location outside of the buffer.
- 4. The location of all required buffer zones shall be clearly and permanently marked on any project site prior to initiation of site work.

I. Salmon and Steelhead Habitats

Policies

- 1. Salmon and steelhead habitats support valuable recreational and commercial fisheries. These habitats should be protected because of their importance to the aquatic ecosystem and the state and local economy.

2. Salmon and steelhead habitats are:
 - a. Gravel bottomed streams, creeks, and rivers used for spawning;
 - b. Streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, and cover and refuge from predators and high waters;
 - c. Streams, creeks, rivers, estuaries, and salt water bodies used as migration corridors; and
 - d. Shallow areas of salt water bodies used for rearing, feeding and refuge from predators and currents.
3. Project proponents should contact the Habitat Management Division of the Department of Fish and Wildlife, and affected Indian Tribes early in the development process to determine if the proposal will occur in or adjacent to a salmon and steelhead habitat.
4. When reviewing permits for uses, activities and structures proposed for salt water areas, rivers and streams, river and stream side channels, wetlands and ponds connected to rivers and streams and shorelines adjacent to these areas; staff should contact the Department of Fish and Wildlife to determine if the proposal will occur in or affect an adjacent salmon or steelhead habitat. Staff should also contact affected Indian Tribes.

Regulations

1. Structures which prevent the migration of salmon and steelhead shall not be allowed in the portions of water bodies used by these fish. Fish bypass facilities shall allow the upstream migration of adult fish only when other alternatives have been exhausted. Fish bypass facilities shall prevent fry and juveniles migrating downstream from being trapped or harmed.
2. Landfills shall not intrude into salmon and steelhead habitats, except as provided in regulation No. 3.
3. Landfills may intrude into salt water areas used by salmon and steelhead for migration corridors, rearing, feeding and refuge only where the proponent obtains a conditional use permit (CUP) and demonstrates all of the following conditions are met:
 - a. The landfill is for a water-dependent or water-related use;
 - b. An alternative alignment or location is not feasible;
 - c. The project is designed to minimize its impacts on the environment;
 - d. The facility is in the public interest; and
 - e. If the project will create significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
4. Unless the applicant demonstrates that bioengineering techniques will not be successful, bulkheads and other shoreline protection structures are prohibited in salmon and steelhead habitat.

5. Docks, piers, pilings and floats may be located in water areas used by salmon and steelhead for migration corridors, rearing, feeding and refuge, provided the facilities use open piling construction to minimize shading on these areas.
6. Open pile bridges are the preferred water crossing structures over salmon and steelhead habitats. If a bridge is not feasible, one of the following water crossing structures may be approved if the impacts are acceptable: temporary culverts, bottomless arch culverts, elliptical culverts or round culverts. These structures are listed in priority order, with the first having the highest preference and the last the lowest preference. In order for a lower priority structure to be permitted, the applicant must show the higher priority structures are not feasible. The project shall be designed to minimize its impacts on the environment.
7. Dredging which will damage shallow water habitat used by salmon and steelhead for migration corridors, rearing, feeding and refuge shall not be allowed unless the proponent demonstrates all of the following conditions are met:
 - a. The dredging is for a water-dependent or water-related use;
 - b. An alternative alignment or location is not feasible;
 - c. The project is designed to minimize its impacts on the environment;
 - d. The dredging is in the public interest; and
 - e. If the project will create significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
8. Dredging and the removal of bed materials below the water line is prohibited within salmon and steelhead spawning areas.
9. In-water dredge spoil disposal sites shall not be located in salmon and steelhead habitats.
10. Within salmon and steelhead habitats, permanent channel changes and realignments are prohibited.
11. Aquaculture uses shall not be established in or expanded in salmon and steelhead habitat, except for areas used only for migration corridors. This regulation applies only to in-water aquaculture uses; not upland aquaculture uses.
12. The removal of aquatic and riparian vegetation within or adjacent to salmon and steelhead habitats shall be minimized. Trees which shade side channels, streams, rivers, ponds and wetlands used by salmon and steelhead shall be maintained. Areas of disturbed earth shall be revegetated.
13. Unless removal is needed to prevent hazards to life and property or to enhance fish habitat, large woody debris below the ordinary high water mark shall be left in the waterway to provide salmon and steelhead habitat.
14. Outfalls within or upstream of salmon or steelhead spawning areas shall be designed and constructed to minimize disturbance of salmon and steelhead spawning beds.

J. Parking

Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted the following provisions apply only to parking which is "accessory" to a permitted shoreline use.

Policies

1. Parking in shoreline areas should directly serve a permitted shoreline use.
2. Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access and vegetation and habitat maintenance.
3. 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).

Regulations

1. Parking as a primary use shall be prohibited over water.
2. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use, a civic function, or an activity which encourages people to enjoy the shoreline.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall be planted before completion of the parking area in such a manner that plantings provide effective screening at least 4 feet high within three years of project completion.
4. Parking facilities serving individual buildings on the shoreline shall be located landward of the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, using best available technologies and include a maintenance program which will assure proper functioning of such facilities over time.

K. Public Access

Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others.

Policies

1. Public access will be considered in the review of all private and public developments (including land division) with the exception of the following: one- and two-family dwelling units; or where deemed inappropriate due to health, safety and environmental concerns.
2. Developments, uses and activities on or near the shoreline should not impair or detract from the public's access to the water.
3. Public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment and, if feasible, should be designed with provisions for handicapped and physically impaired persons.
4. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
5. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
6. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of vegetation which partially impairs views.
7. Visual access should be maintained, enhanced and preserved on shoreline street ends, public utilities and rights-of way and within public "view corridors" as designated by the City.

Regulations

1. Except as provided in regulations 2 and 3, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
 - a. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact.
 - b. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact.
 - c. Where a use which is not a priority shoreline use under the Shoreline Management Act will locate on a shoreline of the state, the use or development shall provide public access to mitigate this impact.
 - d. Within the Port Angeles shoreline jurisdiction, where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.

The shoreline permit file shall describe the impact, the required public access conditions, and how the conditions address the impact.

2. An applicant need not provide public access where one or more of the following conditions apply.

- a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated; or
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
3. In order to meet any of the conditions "a" through "e" above, the applicant must first demonstrate and the City determine in its findings that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - b. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazings, hedges, landscaping, etc.); and
 - c. Developing provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
 4. Development uses and activities shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's physical and visual access to the water and shorelines.
 5. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished. (RCW 35.79.035 and RCW 36.87.130).
 6. Public access sites shall be connected directly to the nearest public street and shall include provisions for handicapped and physically impaired persons, where feasible.
 7. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
 8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, at a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval. (RCW 58.17.110).
 9. Minimum width of public access easements shall be 25 feet, unless the administrator determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship, provided the larger easement is not needed for emergency access.
 10. The standard state approved logo or other approved signs which indicate the public's right of access and hours of access shall be constructed, installed and maintained by the

applicant in conspicuous locations at public access sites. In accordance with regulation 2-a, signs may control or restrict public access as a condition of permit approval.

11. Future actions by the applicant successors in interest or other parties shall not diminish the usefulness or value of the public access provided.
12. Visual access shall be maintained, enhanced and preserved on shoreline street ends, public utilities and rights of way and within public "view corridors as designated by the City.

L. Shorelines of State-wide Significance

Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the City's jurisdiction all salt waters below extreme low tide extending to the International boundary in the Strait of Juan de Fuca are shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

Policies (in order of preference)

1. Recognize and protect the state-wide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term benefit.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public on the shoreline.

M. Signage

Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be 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, community, site, facility, or entertainment, conducted or sold either on or off premises.

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.
3. The design of signs should not reduce auto safety or visual aesthetics from adjacent property.

4. Signs which are linked to the operation of existing uses and attached to said uses should be of a permanent nature.

Regulations

1. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
2. All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
3. Free standing over-water signs are prohibited except for navigational aids. Over-water signs or signs on float or pilings shall be related to water-dependent uses only and shall not extend out from the building on which they are located.
4. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses. Backlit plastic or vinyl signs or awning signs are prohibited within shoreline jurisdiction.
5. Freestanding signs related to specific on-site uses or activities shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 10 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
6. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs.
7. No signs which impair visual access shall be placed in a view corridor.

Allowable Signs

The following types of signs may be allowed in all shoreline environments:

1. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
2. Public information signs directly relating to a shoreline use or activity.
3. Off-premise, free standing signs for community identification, information, or directional purposes.
4. National, state and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
5. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

Prohibited

The following types of signs are prohibited:

1. Signage which impairs visual access in view corridors.
2. Off-premises detached outdoor advertising signs and billboards.

3. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
4. Signs placed on trees or other natural features.
5. Commercial signs for products, services, or facilities located off-site.

N. Utilities (Accessory)

Applicability

Utilities have been split into accessory and primary, with accessory meaning utilities that affect small scale distribution services connected directly to the uses along the shoreline. For example, power, telephone, cable, water and sewer lines, including stormwater systems, are all considered as utilities accessory to shoreline uses. They are covered in this section because they concern all types of development and have the potential of impacting the quality of the shoreline and its waters.

Policies

1. Utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
2. Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology and minimizes conflicts with present and planned land uses.

Regulations

1. In shoreline areas, utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines 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 unfeasibility of existing routes.
2. Utility development shall, through coordination with government agencies, provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

O. Water Quality

Policies

1. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality.
2. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site before shoreline development impacts waters off-site.

Regulations

1. All shoreline development, both during and after construction, shall minimize any increase in surface runoff through control, treatment and release of surface water runoff so that the receiving water quality and shore properties and features are not adversely affected. Control measures include but are not limited to dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers and fugitive dust controls.
2. All shoreline development shall comply with the applicable requirements of the City of Port Angeles Storm Water and Drainage Ordinances.

Chapter 5

Environment Designations

A. Authority

The Washington State Shoreline Management Act of 1971 through WAC 173-16-040(4) requires that a land use categorization system for shoreline areas be developed by local governments in preparation of their master programs. The environment designation system is intended to provide a uniform basis for applying use activity policies and use regulations within distinctly different shoreline areas. This is accomplished by basing the environmental designations for any specific area on the following:

- Existing development patterns;
- Biophysical capabilities and limitations of the site; and
- The goals and aspirations of the community.

The environment classification system is intended to work in conjunction with local comprehensive planning and zoning existing along Port Angeles' shoreline. The environment designations are aimed at more accurately reflecting the existing intensity of development and identifying any biophysical capabilities, potentials, and limitations along the shoreline within the context of Port Angeles' social values and economic characteristics. Consequently, the type of activity which occurs in a specific environment must be designed and located so that the objectives of the environment are achieved.

B. Classification Methodology

Port Angeles' shoreline classification system consists of two upland environments and two aquatic environments. The upland environments encompass all of Port Angeles lands lying within shoreline jurisdiction upland of the "ordinary high water mark" (OHWM). Aquatic environments encompass all submerged lands lying below the OHWM extending to all waters within the City of Port Angeles jurisdiction.

The two upland environments address two very different conditions found along the City's shorelines. The Urban-Harbor designation was employed to set policies and regulations for Port Angeles' active central waterfront and industrial areas. Several water-oriented timber, shipping and marine related industries lie within this designation and provisions were drafted to encourage their activities. This designation also includes the City's downtown waterfront which supports many transportation, commercial, boating, recreational and visitor service businesses that are vital to the Downtown's economy. Provisions for the Urban-Harbor environment promote an intense mix of uses that typify current conditions and pursue citywide objectives. The uplands of Ediz Hook are included within the Urban-Harbor environment because of current and planned industrial and recreational uses.

Outside the harbor area, much of the city's shorelines, and those within the UGA, are characterized by steep bluffs, littoral beaches, and other environmentally sensitive conditions. While these shorelines are environmentally constrained, there has been some development on shoreline properties. The Urban-Shoreline Protection environment was established to account for this situation and includes provisions that allow low intensity development which does not deteriorate the shoreline. The provisions are written so that if the City annexes shoreline areas to the east or west, they will be designated Urban-Shoreline Protection.

Similarly, the two aquatic environments account for two different conditions in the City's waters. The Aquatic-Harbor encourages water dependent development while the Aquatic Conservancy environment emphasizes the protection and renewable use of natural resources. The Aquatic-Harbor environment encompasses the area within Ediz Hook and generally relates to the Urban-Harbor environment.

These designations were formulated by the Shorelines Citizen's Advisory Committee, City staff and consultants. The technical team inventoried existing conditions along the shoreline and reviewed existing background. Current development plans, including the Harbor Management Plan were consulted. The Committee, which represented a wide diversity of interests, discussed the objectives and plans of the various industries and groups that they represent. This information was assembled by the consultant who prepared and presented alternative environment designation configurations to the committee. A preferred set of environment designations was formulated by the committee from the various options and refined over the course of several Committee work sessions.

D. Urban-Harbor (U-H)

Definition

The Urban-Harbor is an area of high intensity land and shoreline use featuring a mix of industrial, commercial and recreational development. Shorelines in this environment front largely on navigable water of varying depth and have varying levels of upland access.

Purpose

To ensure optimum use of shorelines within urbanized areas by providing for intensive public and commercial activities and by managing development to enhance and maintain shorelines for a multiplicity of urban uses.

Criteria for Designation

Areas to be designated Urban-Harbor (U-H) should relate to more than one of the following:

1. Areas of intensive land and shoreline use including industrial, commercial and recreational activity.
2. Areas designated in an adopted public agency plan for expansion of uses.
3. Areas used for intensive port activity, excluding those areas used primarily for deep-draft, ocean going vessels.
4. Areas which do not have a high priority for designation as an alternative environment.
5. Areas which do not contain biophysical limitations to shoreline use and which have adequate utilities and access.

Management Policies

1. Encourage development within already developed areas and areas planned for redevelopment.

2. Continue the City's program of enhancing public access along the shoreline. Encourage public access, both physical and visual, and develop public attractions that provide the opportunity for people to enjoy the shoreline.
3. Give priority to existing industries and those new industries and activities which are dependent on a shoreline location.
4. Encourage landscaping and screening of existing and new activities which have the potential for adversely affecting adjacent properties.
5. Encourage continued efforts by public and private industries to improve the quality of air and water.
6. Encourage actions to address additional problems of noise, visual impact, dust, light, etc.
7. Encourage redevelopment of existing under-used shoreline areas by designating acceptable spoils disposal sites.
8. Encourage recognition of identified historical, archaeological, or cultural aspects which may exist in these urban areas.
9. Encourage a mix of compatible water-oriented uses and supporting services which provide opportunities for industrial, recreational, and commercial development.
10. Upgrade the visual qualities of the environment.
11. Increase physical, functional and economic connections between the downtown and the waterfront.
12. Protect Ediz Hook as an important natural and economic resource.

Areas Designated

Shoreline areas upland of the ordinary high water mark (OHWM) from the City limits as of June 30, 1994 on the east and extending westward along the central waterfront and around Ediz Hook to the centerline of "N" street extended.

E. Urban-Shoreline Protection (U-SP)

Definition

An area which may be relatively free of human development or an area with significant limitations on development.

Purpose

To protect, conserve, and manage existing quasi-natural systems by maintaining sufficient physical and biological features in order to provide shoreline use options for future generations. To protect existing development from destruction without damaging the natural environment.

Criteria for Designation

Areas to be designated Urban-Shoreline Protection should relate to more than one of the following:

1. Areas possessing biophysical limitations too severe to allow them to develop intensively. Such limitation would include:
 - a. Steep slope areas presenting erosion and slide hazards.
 - b. Areas with soils having poor drainage.
 - c. Areas adjacent to erodable beaches or sensitive intertidal areas.
2. Areas where intensive development or use would interfere with natural processes resulting in significant damage to other resources.
3. Areas possessing aesthetic or biological qualities of such high local or wide significance that extensive modification or use would adversely affect such qualities.
4. Areas which are free from extensive development and do not have a high priority for designation as an alternative environment and can serve as needed open space by maintaining their existing character.
5. Areas which play an important part in maintaining the ecological balance of the region.
 - a. Areas rich in quality and quantity of life form.
- b. Areas important to the maintenance of the natural quality and flow of the water.
 - c. Areas important to the food chain process (i.e., estuaries).

Management Policies

1. Allow uses which do not permanently deplete the physical and biological resources of the area.
2. Allow activity which increases public access and enjoyment of the area without resulting in degradation to the character of the area.
3. Encourage use of these areas for their educational and scientific benefits.
4. Apply strict standards to development along the shoreline.

Areas Designated

Shorelines upland of the ordinary high water mark (OHWM) which are annexed to the City of Port Angeles after June 30, 1994 and,

Shorelines upland of the OHWM from the centerline of N street (extended) westward to the City limits as of June 30, 1994.

F. Aquatic-Harbor (A-H)

Purpose

1. To promote the intensive use of the harbor areas for water-dependent industrial, commercial and recreational uses.
2. To protect the water quality and integrity of natural aquatic systems.

Designation Criteria

Water bodies (submerged lands) within the Ediz Hook Harbor which are intensively used for water-dependent activities.

Management Policies

1. Structures which are not water-dependent and uses which will substantially degrade the existing character of the area should be prohibited.
2. Developments within the Aquatic-Harbor Environment should be compatible with the adjoining upland environment.
3. Diverse public access opportunities to water bodies should be encouraged and developed and should be compatible with the existing shorelines and water body uses and environment.
4. Several industries using the same tideland facilities shall be given preference over single industry use.
5. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts and to allow for the safe, unhindered passage of fish and animals, particularly those whose life cycles are dependent on such migration.
6. Filling operations should be accomplished in such a manner as not to create a substantial environmental impact.
7. Development of underwater pipelines and cables on first class tidelands and bedlands will be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives; when permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment.
8. Abandoned and neglected structures which 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.

Areas Designated

Submerged lands lying within the Ediz Hook Harbor westward of a line extending from the easternmost tip of Ediz Hook southward to the Port Angeles City limits at the shoreline as of June 30, 1994.

G. Aquatic Conservancy (A-C)

Definition

All water bodies and submerged land in the City of Port Angeles jurisdiction which are not subjected to intense water-dependent uses.

Purpose

The purpose of the Aquatic-Conservancy environment designation is to protect and enhance the natural characteristics and functions of the resource.

Designation Criteria

Submerged lands below OHWM which are one or more of the following:

1. All marine and fresh water areas which are not intensively used for industrial or commercial purposes.
2. All marine waters not designated Aquatic Harbor.

Management Policies

1. Except for special situations involving a public benefit, over water structures should be discouraged.
2. Developments within the Aquatic-Conservancy environment should be compatible with the adjoining upland environment.
3. Diverse public access opportunities to water bodies should be encouraged and developed and should be compatible with the existing shorelines and water body uses and environment.
4. Aquaculture practices should be encouraged in those tidelands, waters and beds most suitable for such use.
5. In appropriate areas fishing and recreational uses of the water should be protected against competing uses that would interfere with these activities.
6. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts and to allow for the safe, unobstructed passage of fish and animals, particularly those whose life cycles are dependent on such migration.
7. Deep draft uses, if allowed, should not occur in areas requiring extensive initial or maintenance dredging.

8. Filling operations should be accomplished in such a manner as to not create a substantial environmental impact.
9. Development of underwater pipelines and cables on first class tidelands and bedlands will be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives; when permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment.
10. Abandoned and neglected structures which could 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.

Areas Designated

All submerged lands which lie below the ordinary high water mark of shorelines and which fall under the jurisdiction of the Shoreline Management Act; excluding areas designated Aquatic Harbor. Aquatic-Conservancy areas include:

1. Marine waters outside the Ediz Hook Harbor as defined in the Aquatic Harbor designation.
2. The waters of Morse Creek upon annexation to the City of Port Angeles.

H. Environmental Designation Matrices

Key

U-H: Urban-Harbor

U-SP: Urban-Shoreline Protection

A-H: Aquatic-Harbor

A-C: Aquatic Conservancy

Shoreline Use	U-H	U-SP	A-H	A-C
Aquaculture	P	X	C	C
Boating facilities (marinas incl.)	P	X	P	X
Commercial				
Water-dependent	P	X	P	X
Water-related/Water-enjoyment	P	X	C	X
Non-water-oriented	C	X	X	X
Industrial				
Water-dependent	P	X	P	X
Water-related/Water-enjoyment	P	X	C	X
Non-water-oriented	C ¹	X	X	X
Mining	X	X	X	X
Parking (accessory)	P	X	C	X
Parking (primary, paid incl.)	P ¹¹	X	X	X
Recreation				
Water-dependent	P	P	P	P
Water related/Water-enjoyment	P	P	C	X
Non-water-oriented	C	X	X	X
Single family residential	P	P	X	X
Multi-family residential	P	P	X	X
Land subdivision	P	C	X ¹⁴	X
Signs				
On premise	P	X	P ²	X
Off premise	X	X	X	X
Public, highway	P	P	X	X
Solid waste disposal	X	X	X	X
Transportation				
Water-dependent	P	P	P	P
Water-related/Water-enjoyment	P	C	X	X
Non-water-oriented	C	C ¹²	C ¹²	C ¹²
Roads, railroads	P	C ¹²	C ¹²	C ¹²
Utilities	P	C ³ ₁₂	C ³ ₁₂	C ³ ₁₂

SHORELINE USE/MODIFICATION ACTIVITY MATRICES KEY

All shoreline modification activities shall be in support of an allowable shoreline use which is in conformance with the provisions of this Master Program. All shoreline modification activities not in support of a conforming shoreline use shall be prohibited. Exception: Shoreline stabilization may be allowed providing it can be demonstrated that such activities are necessary for the maintenance of shoreline stability and natural ecology.

Shoreline Modification Activities	U-H	U-SP	A-H	A-C
Shoreline Stabilization	P	P	P	C ³
Beach Restoration/Enhancement	P	P	P	C ³
Bioengineering	P	P	P	C ³
Revetments	P	C	P	C ³
Bulkheads	P	C	P	C ³
Breakwaters/ Rock Wiers/ Groins	P	C	P	C ³
Dikes, Levees	C	C	P	C ³
Dredging	P	C	P	C
Hazardous Waste Cleanup	P	P	P	P
Landfill	P	C	P	C
Piers, Docks	P	X	P	X

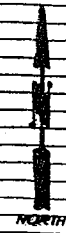
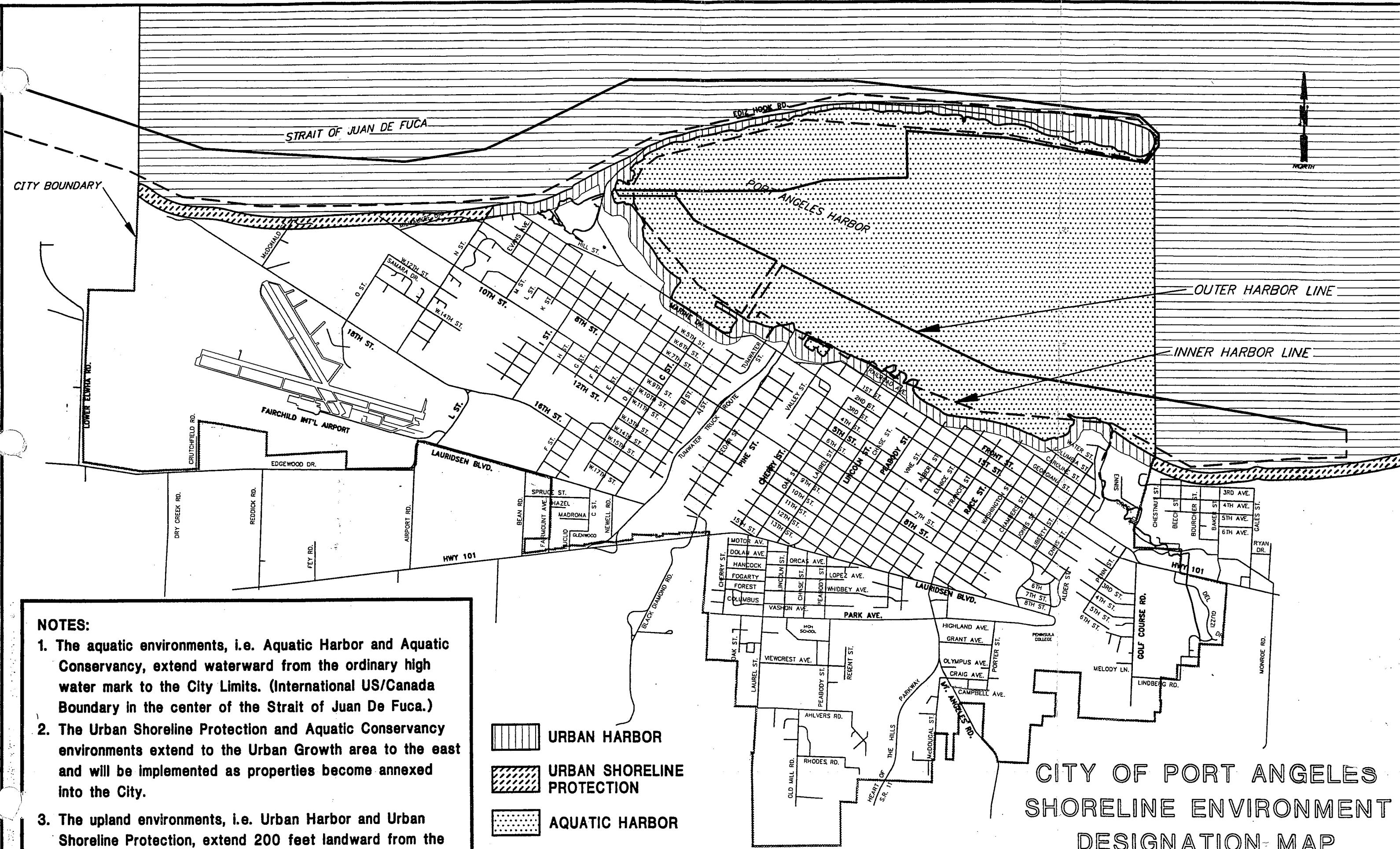
Development Standards	U-H	U-SP	A-H	A-C
Non-residential Buildings				
Water-dependent Setback	0	0	0	NA
Minimum water-related, water-enjoyment setback	10 ⁴	50'	NA	NA
Minimum non-water-oriented setback	50'	50'	NA	NA
Maximum building height limit	⁽⁵⁾	NA	35'	NA
Parking	⁽⁶⁾	⁽⁶⁾	NA	NA
Recreational Development				
Setbacks:				
Non-water-oriented (buildings)	40'	50' ⁸	NA	NA
Campsites picnic areas and related uses	10'	50' ⁸	NA	NA
Access roads, restrooms, accessory structures	30'	50' ⁸	NA	NA
Golf course, sports field, intensive use areas	100'	100'	NA	NA
Height Limit	⁽⁵⁾	⁽⁵⁾	12'	12'

Residential Development				
Setbacks	(7)	50' ⁸	NA	NA
Height Limit	(5)	(5)	NA	NA
Signs (Freestanding) ⁹				
Maximum height	10'	NA	NA	NA
Maximum surface area (s.f.)	32	NA	NA	NA
Transportation Facilities				
Setbacks:				
Non-arterial, secondary, access roads	50' ¹⁰	100' ¹⁰	NA	NA
Arterials, highways, railroads	100' ¹⁰	100' ¹⁰	NA	NA
Utilities				
Setbacks: buildings and distribution lines	0	50' ¹⁰	NA	NA
Height Limits				
Buildings, storage tanks, accessory uses	(5)	(5)	NA	NA
Distribution poles	(5)	(5)	0'	0'





Notes to Use, Modification Activity and Development Standard Matrices.

1. Allowed as addition to an existing use only, or if the City determines that no other suitable sites exist for the proposed use.
2. Building mounted signs only. See General Provisions: Signage for specific requirements.
3. Shoreline stabilization in the Aquatic-Conservancy designation allowed only as a means to maintain natural shorelines ecology or to protect existing roads and utilities. Maintenance or repair of a bank protection of existing roads and utilities may be permitted outright.
4. Public access must be provided on waterside of development.
5. See Port Angeles Zoning Code. Minimize impact of parking on visual and physical access to shoreline.
6. The City may modify site design to reduce functional and aesthetic impact of parking.
7. Residences are allowed in upper stories of a building containing a water- oriented use only.
8. All permanent structures must be set back from unstable bluffs as specified in General Provisions: Sensitive Areas - Unstable Bluff Provisions.
9. See General Provisions: Signage.
10. The City may modify setback requirements if no suitable alternative exists.

11. Parking as a primary use may be permitted in the U-H environment on lots which are not directly adjacent to the shoreline, provided the City finds that such parking is essential for supporting other water oriented uses.
12. The City may allow roads, bridges and other transportation systems as conditional uses if no suitable alternative exists. Parking as a primary use on lots adjacent to the shoreline is prohibited.
13. Dredge material disposal according to PSDDA management plan is an approved activity.
14. Platting of previously platted tidelands is a permitted activity.



- NOTES:**
1. The aquatic environments, i.e. Aquatic Harbor and Aquatic Conservancy, extend waterward from the ordinary high water mark to the City Limits. (International US/Canada Boundary in the center of the Strait of Juan De Fuca.)
 2. The Urban Shoreline Protection and Aquatic Conservancy environments extend to the Urban Growth area to the east and will be implemented as properties become annexed into the City.
 3. The upland environments, i.e. Urban Harbor and Urban Shoreline Protection, extend 200 feet landward from the ordinary high water mark.

-  URBAN HARBOR
-  URBAN SHORELINE PROTECTION
-  AQUATIC HARBOR
-  AQUATIC CONSERVANCY

CITY OF PORT ANGELES
SHORELINE ENVIRONMENT
DESIGNATION MAP

5/23/95

CHAPTER 6

Shoreline Use Policies and Regulations

A. Aquaculture

Applicability

Aquaculture is the farming or culturing of food fish, shellfish or other aquatic plants and animals in lakes, streams, inlets, estuaries and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas. When consistent with control of pollution and prevention of damage to the environment, aquaculture activities are a preferred shoreline use (see WAC 173-16-060(2)).

Policies

1. Consideration should be given to both the possible positive impacts and the possible detrimental impacts aquacultural development might have on the physical environment, on other existing and approved land and water uses, including navigation, tribal "usual and accustomed fishing grounds", public access and on the aesthetic qualities of the project area.
2. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, projects that require no structures, submerged structures or intertidal structures should be given preference over those that involve substantial floating structures. Projects that require few land-based facilities should be given preference over those that require extensive facilities. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification.
3. Experimental aquaculture projects should be limited in scale and should be approved for a limited (specified) period of time.

Regulations

1. Applicants shall include in their applications all information needed to conduct thorough evaluations of their aquaculture proposals, including but not limited to the following:
 - a. Species to be reared;
 - b. Aquaculture method(s);
 - c. Anticipated use of any feed, pesticides, herbicides, antibiotics or other substances and their predicted impacts;
 - d. Manpower/employment necessary for the project;
 - e. Harvest and processing location, method and timing;
 - f. Location and plans for any shoreside activities, including loading and unloading of the product and processing;

Chapter 6 - Shoreline Use Policies and Regulations

- g. Method of waste management and disposal;
 - h. Environmental assessment, including best available background information on water quality, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms and probable impacts on water quality, biota, currents, littoral drift and any existing shoreline or water uses. Further baseline studies may be required depending upon the adequacy of available information, existing conditions, the nature of the proposal and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for;
 - i. Method(s) of predator control;
 - j. Use of lights and noise generating equipment over water that minimizes interference with surrounding uses; and
 - k. Other pertinent information deemed necessary by the City.
2. The location of floating and submerged aquaculture structures shall not unduly restrict navigation to or along the shoreline or interfere with general navigation lanes and traffic or "usual and accustomed fishing locations". Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities in order to protect navigational access may be necessary based on the size and shape of the affected water body.
 3. No aquatic organism shall be introduced into City salt or fresh waters without prior written approval of the Washington Department of Fisheries or the appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to the City prior to the introduction or the granting of the permit, whichever comes first.
 4. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located inland of the ordinary high water mark, upland of water dependent portions of the project and shall minimize detrimental impacts to the shoreline.
 5. Aquacultural structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the City may require the posting of a bond commensurate with the cost of removal or repair. The City may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in thirty days and may 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. No processing of any aquacultural product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit.

7. Aquacultural wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.
8. Aquacultural uses and facilities shall be located at least 600 feet from any national wildlife refuge lands and/or habitats of special significance for birds or mammals (as identified in recognized reference documents such as the Washington State Department of Ecology publication, "Washington Coastal Areas of Major Biological Significance," and/or as determined by the Washington State Department of Wildlife); provided that fish net-pens and projects involving substantial substrate modification shall be located 1,500 feet or more from such areas; provided further that lesser distances may be authorized by permit other than a variance if it is demonstrated by the applicant that the wildlife resource will be protected and if the change is supported by the reviewing resource agencies. Greater distances may also be required if supported by the reviewing resource agencies.
9. Predator control shall not involve the killing or abusive harassment of birds or mammals.
10. For aquacultural projects using over-water structures, storage of necessary tools and apparatus seaward of the ordinary high water mark shall be limited to containers that are as compact as possible.
11. Fish net-pens shall meet, as a minimum, state-approved administrative guidelines for the management of net-pen cultures.
12. For floating aquaculture facilities the City shall reserve the right to require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's "Aquacultural Siting Study" 1986. Such analysis may be prepared by the applicant, without professional assistance, provided that it is competently prepared.

B. Boating Facilities

Applicability

Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types, boat launch ramps, covered moorage, boat houses, mooring buoys and marine travel lifts. See "Piers and Docks" for non-marina associated boating facility provisions.

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide moorage for ten or more boats. For regulatory purposes, large community moorage facilities, yacht club facilities and camp or resort moorage areas would also be reviewed as marinas. Boat launch facilities and supplies and services for small commercial and/or pleasure craft may be associated with marinas. **Backshore** marinas are located landward of the OHWM. **Foreshore** marinas are located in the intertidal or offshore zone and may require breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), depending on the location.

Chapter 6 - Shoreline Use Policies and Regulations

Accessory uses found in marinas may include fuel docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries and dry goods.

Uses and activities associated with boating facilities which are identified in this SMP as separate uses (i.e., Piers and Docks, Bulkheads, Breakwaters, Commercial Development, Industrial Development [including ship and boat building and repair yards] Groins, Dredging, Landfill, Utilities and Transportation Facilities) are subject to the regulations established for those uses in addition to the standards for boating facilities established in this section.

Policies

1. Boating facilities should be located, designed and operated to provide maximum feasible protection and enhancement of all forms of aquatic, littoral or terrestrial life. To the extent possible, marinas should be located in areas of low biologic productivity.
2. Boating facilities should be located and designed to minimize adverse effects upon erosion, littoral transport and accretion shore forms, as well as scarce and valuable shore features including riparian habitat and wetlands.
3. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views.
4. New marina facilities should be designed to accommodate public access and enjoyment of the shoreline including provisions for walkways, view points, rest room facilities and other recreational uses according to the scale of the facility.
5. Installation and maintenance of accessible boat sewage disposal (pump-out) facilities should be required and available in convenient locations to all boaters.
6. Live-a-boards should only be allowed in those limited circumstances where their environmental and use impacts can be substantially avoided.

Regulations -- General

1. Boating facility development and/or renovations shall comply with all other applicable state agency policies and regulations including, but not limited to: the Washington Department of Fish and Wildlife criteria for the design of bulkheads, landfills and marinas; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.
2. The City shall require and utilize the following information in its review of marina proposals:
 - a. Existing natural shoreline and backshore features and uses, bathymetric contours (1-foot increments);
 - b. Geohydraulic processes and flushing characteristics, volume, rates and frequencies;

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- c. Biological resources and habitats for the backshore, foreshore and aquatic environments;
 - d. Area of surface waters appropriated and leased areas;
 - e. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
 - f. Impact upon existing and created demand for shoreline and water uses including public access and recreation and views;
 - g. The design of the facilities, including sewage disposal, water quality controls, provisions for the prevention and control of fuel spillage and a landscaping plan.
3. Accessory uses at marinas or public launch ramps shall be limited to those which are water-dependent, water-related or water-enjoyment. Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.
 4. All boating facilities and accessory uses must conform to the General Provisions and Environment Designation Provisions.
 5. Boat launches and marina entrances shall not be located closer than 1,000 feet from beaches commonly used for swimming or valuable areas for commercial or recreational fishing or shellfish collection unless the City determines there is no suitable alternative.
 6. Marinas and launch ramps **shall not** locate at or along significant littoral drift sectors, including resource material areas, such as feeder bluffs and accretion beaches, points, spits and hooks, marshes, bogs, swamps and lagoons, estuaries, significant fish and shellfish spawning and rearing areas, or poorly-flushed lagoons and backwaters.
 7. Proposals for marinas shall include launch facilities unless the applicant can demonstrate the unfeasibility of providing such facilities.
 8. Marina design shall provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water. The marina design shall minimize interference with geohydraulic processes and disruption of existing shore forms.
 9. Boating facilities shall be designed so their structures and operations will be aesthetically compatible with or will enhance existing shoreline features and uses. Boating facilities shall mitigate for adverse development impacts on-site and to adjacent properties.
 10. The perimeter of parking, dry moorage and other storage areas shall be landscaped to provide and maintain a visual buffer between adjoining dissimilar uses or scenic areas. The permit application shall identify the size, location and species list of landscaping that will be used stressing native vegetation.
 11. Public access, both visual and physical, shall be an integral part of all marina development and design commensurate with the particular proposal and must include the following:
 - a. Marinas and public launch ramps shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous and public use of the waters below the ordinary high water mark is not unduly impaired.

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- b. Covered moorage in marinas **shall not** be constructed where visual access from public access areas and/or significant numbers of residences is blocked.
12. Location of fueling stations on docks, floats, and/or the shore shall be considered on an individual basis and recommendations will be made as to its location by the Washington Departments of Fisheries and Wildlife.
13. All marinas will include measures for sewage pump-out and disposal. Location of boat waste disposal facilities (pump-outs, dump stations and toilets) shall be considered on an individual basis with consultation with Departments of Health, Ecology, Public Works and Parks as needed.
14. The discharge of untreated sewage and/or toxic material from boats and/or shore installations shall be prohibited within any marina. Toxic material herein defined as any material damaging marine life includes but is not limited to paints, varnishes, detergents, petroleum, bilge waste water, etc.
15. Upland facilities shall be designed and managed in compliance with stormwater BMPs in order to minimize or prevent negative impacts to water quality.
16. Boating facilities shall locate stationary boat waste disposal facilities in close proximity to boat refueling locations.
17. Over-water parking facilities are prohibited.
18. To the maximum extent possible, marinas and accessory uses shall share parking facilities, with marina usage given preference.
19. Marinas and launch ramps shall be located where access streets are adequate to handle the traffic load generated by the facility and shall be designed to minimize other circulation and access conflicts. Backing of trailers on public roads shall be prohibited.
20. Ingress-egress as well as the use and enjoyment of the water or beach on adjoining property shall not be unduly restricted or impaired.

Regulations -- Utilities

1. Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be accessible to all boats. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste and petroleum waste is that of the marina operator.
2. All marinas shall provide rest rooms and showers for boaters' use. They shall be kept clean and at a minimum be located within 200 feet from the dock or pier; there shall be one toilet and hand washing facility for each sex per fifty moorage sites; signs shall be posted so that the rest rooms are easily identifiable to the boating public.
3. Pipes, plumbing, wires and cables at marina sites shall be placed at or below ground and dock levels.

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4. Public boat launch facilities shall provide and maintain rest rooms or portable toilets and dump stations.

Regulations -- Management and Operations

1. Marinas shall have adequate facilities and establish posted operational procedures for fuel and sewage handling and storage in order to prevent and minimize accidental spillage.
2. Marinas shall have facilities, equipment and established posted procedures for the containment, recovery and mitigation for spilled petroleum, sewage and toxic products and debris from maintenance and repair (see Chapter 7, "Industry", for more specific criteria).
3. Marina operators shall post the following signs where they are readily visible to all marina users:
 - a. Regulations pertaining to handling and disposal of waste, including gray water, sewage and toxic materials;
 - b. Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have an approved treatment device; and
 - c. Rules and Best Management Practices for boat maintenance and repairs on site.
4. Garbage or litter 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.
5. The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
6. Adequate fire protection shall be required as per the City adopted Fire Code.
7. Recreational swimming shall be prohibited within marina facilities unless the swimming area is adequately separated, protected and posted.
8. If dredging at marina entrances changes the littoral drift processes and adversely affects adjacent shores, the marina operator shall be required to periodically replenish these shores with the appropriate quantity and quality of aggregate as determined by a geohydraulic study paid for by the operator and completed to the satisfaction of the Administrator.

Regulations -- Boat Launches

1. Launch ramps may be permitted on marine or riverine accretion shoreforms, provided any necessary grading is not harmful to affected resources and any accessory facilities are located out of the floodway.
2. Where ramps are permitted, parking and shuttle areas shall not be located on scarce accretion shoreforms which have high value for general shore recreation.
3. Launch ramps shall be permitted only on stable nonerosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.

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4. Ramps shall be placed and kept near flush with the foreshore slope to minimize the interruption of geohydraulic processes.

Regulations -- Covered Moorage

1. Covered moorage is prohibited between Cherry Street (extended) and Vine Street (extended) and on the Ediz Hook Shoreline.
2. Marina developers are required to provide a detailed plan for covered moorage development before permits are granted. Such a plan must indicate: (a) covered moorage location, size and general design; (b) impact on shoreline views in the marina and from adjacent private and public properties; and (c) that the structures will be built to conform to the City building and fire codes, withstand stresses from storms and weather 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.
3. The maximum height for covered moorage is 30 feet above the extreme high tide level. Maximum allowable area of covered moorage within the over-water portion of the marina is limited to 10 percent of the over-water area.
4. All covered moorage at a specific marina shall be of similar and/or compatible design, materials, color, length and height (unless they exceed the present height limits); and shall be constructed in contiguous groups or modules as part of the overall project.
5. All covered moorage shall be constructed of nonreflective neutral material and colors.

Regulations -- Mooring Buoys

1. Mooring buoys shall be located as close to the shore as possible.
2. Buoys must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for night time visibility.

C. Commercial Development

Applicability

Commercial development means those uses which are involved in wholesale, retail, service and business trade. Examples include, but are not limited to, hotels, motels, grocery markets, shopping centers, restaurants, shops, offices and private or public indoor recreation facilities. Excluded from this category are residential or recreational subdivisions, boating facilities and industry.

Uses and activities associated with commercial development which are identified as separate use activities in this program such as Industry, Boating Facilities, Transportation Facilities, Utilities, Solid Waste Disposal, Piers, Wharves and Docks, Bulkheads and Shoreline Stabilization and Flood Protection are subject to those regulations in addition to the standards for commercial development established herein.

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The General Policies and Regulations also apply to all commercial uses unless otherwise stated.

Policies

1. New commercial development located in shoreline areas should be limited to those which are water-oriented uses and activities as defined herein. Non-water-oriented development is strongly discouraged; however, when permitted, it should not displace water-oriented development in shoreline areas.
2. Commercial developments should be prohibited over water unless the use is water-oriented.
3. Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of ingress/egress points. Ingress/egress should be designed to minimize potential conflicts with and impact on regular corridor traffic.
4. Commercial development should be encouraged to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.
5. Multiple use concepts which include open space and recreation should be encouraged in commercial developments.

Regulations - General

1. The City shall require and utilize the following information in its review of commercial development proposals:
 - a. Nature of the commercial activity, (e.g. water-dependent, water-related, water-enjoyment, non-water-oriented, mixed-use) including a breakdown of specific components;
 - b. Need for shoreline location;
 - c. Special considerations for enhancing the relationship of the activity to the shoreline;
 - d. Provisions for public visual and physical access to the shoreline;
 - e. Provisions to ensure that the development will not cause adverse environmental impacts; and
 - f. For mixed-use proposals, provisions for alternative mixes of water-oriented and non-water-oriented uses and activities, structural locations, site designs and bulk considerations, alternative enhancements for physical and visual public access to the shoreline (both public and private space) and other considerations which address the goals and policies of the SMP.
2. Water-oriented commercial developments may be permitted as indicated in Figure __ Shoreline Use and Modification Activity Matrix. In accordance with said matrix and other provisions of this SMP non-water-oriented commercial developments may be permitted by CUP only where it can be demonstrated that:

- a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features or due to the site's separation from the water;
 - b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses; and
 - c. The proposed use will be of appreciable public benefit by increasing public use, enjoyment or access to the shoreline.
3. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this master program.
 4. Commercial development shall be consistent with the character and features of the surrounding area. To this end, the City may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit), and/or prescribe operation intensity and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.
 5. All commercial loading and service areas shall be appropriately located so as to minimize visibility of and screen the loading and service area from the shoreline and water body.

D. Flood Hazard Management

Applicability

Flood hazard management projects are those actions taken with the primary purpose of preventing or mitigating damage due to flooding. Flood hazard management projects or programs may employ any or several physical or regulatory controls including dikes, dams, lakes, engineered floodways, bioengineering, planning and zoning (land use management). These provisions also apply to repair and maintenance of flood hazard management systems if the systems are enlarged or otherwise modified.

Policies

1. Flood hazard management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider entire drainage systems or sizable stretches of rivers, lakes or marine shorelines. Thus, planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities.
2. Nonstructural solutions are preferred over structural flood control devices, and should be used wherever possible, including prohibiting or limiting development in historically flood prone areas, regulating structural design and limiting increases in peak stormwater runoff from new upland development, public education and land acquisition for additional flood storage. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage.

3. Residential, commercial and industrial uses should be discouraged within undeveloped floodplain areas.

Regulations

1. The City shall require and utilize the following information during its review of shoreline flood management projects and programs.
 - a. River channel hydraulics and floodway characteristics up and downstream from the project area;
 - b. Existing shoreline stabilization and flood protection works within the area;
 - c. Physical, geological and soil characteristics of the area;
 - d. Biological resources and predicted impact to fish, vegetation and animal habitat associated with shoreline ecological systems;
 - e. Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses; and
 - f. Analysis of alternative flood protection measures both structural and nonstructural.
2. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fisheries or Wildlife, may be incorporated into permits issued for flood protection.
3. The City shall require professional engineer design of flood protection works where such projects may cause interference with normal river geohydraulic processes, lead to erosion of other upstream and downstream shoreline properties or adverse effects to shoreline resources and uses.
4. Flood protection measures shall be planned and constructed based on a state-approved comprehensive flood control management plan, when available, and in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
5. Flood protection measures that alter, reroute or change the natural water course of the shoreline may be approved as a conditional use only if it is demonstrated that other flood protection and planning measures would be insufficient. Alternative measures to be analyzed shall include bioengineering techniques, restrictions to development, shoreline setbacks and comprehensive land use planning.
6. Residential, commercial, health care facilities, and industrial uses which may be damaged by flooding are prohibited in undeveloped 100-year floodplains. In determining whether a use may be damaged, the local government should consider its location, its design and the extent to which development has occurred in the floodplain.
7. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this master program.

E. Industry

Applicability

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Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods. Ports are public enterprises providing services and facilities for waterborne commerce, airborne commerce and industrial development dependent upon waterfront locations or attracted to a port because of the variety of available transportation. Included in ports and industry are such activities as container ship terminals, log storage, log rafting, petroleum storage, hazardous waste generation, transport and storage, ship building, concrete and asphalt batching, tug and barge operations, etc. Excluded from this category and covered under other sections of the SMP are boating facilities, piers and docks, utilities, solid waste disposal and transportation facilities.

Activities associated with port and industrial development which are identified as separate use activities in this program, such as Dredging, Landfill, Transportation Facilities, Utilities, Piers and Docks, Bulkheads, Breakwaters, Wharves and Groins, Shoreline Stabilization and Flood Protection and Signs, are subject to the regulations established for those in addition to the provisions for ports and industry established in this section.

Policies

1. The Port Angeles Harbor represents a regional industrial resource serving shipping, logging, fishing and other activities. Regional and state-wide needs for industrial facilities should be carefully considered in reviewing new proposals as well as in allocating shorelines for such development. Such reviews or allocations should be coordinated with the Port of Port Angeles.
2. Expansion or redevelopment of existing legally established industrial areas, facilities and services with the possibility of incorporating shared-use development should be encouraged over the addition and/or location of new or single-purpose industrial facilities.
3. Joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities should be strongly encouraged or required in waterfront industrial areas.
4. New industrial development should be required to provide physical and/or visual access to shorelines and visual access to facilities whenever possible and when such access does not cause significant interference with operations or hazards to life and property.
5. Dry land log storage is preferred over water storage.
6. Wherever practical and environmentally beneficial, paved log storage yards should be encouraged over aggregate-surfaced yards to reduce wood waste disposal problems and control and treat resultant runoff.

Regulations

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

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2. Only water-dependent and water-related industries shall be permitted in the shoreline jurisdiction as primary uses.
3. New facilities for shallow draft shipping or other vessels shall not be allowed to preempt scarce deep draft port sites.
4. Existing industrial development on shorelines which is neither water-dependent nor water-related may be permitted as a conditional use to expand inland from existing structures but not parallel to or waterward of the OHWM. Waterward expansion of existing non-water-oriented industry is prohibited.
5. Sewage treatment, water reclamation and desalinization plants may only be permitted by conditional use and shall be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands. Sewer outfalls may be permitted, provided they meet all applicable water quality standards.
6. Storage and/or disposal of industrial wastes is prohibited within shoreline jurisdiction, PROVIDED that waste water treatment systems may be allowed in shoreline jurisdiction only if alternate, inland areas have been adequately proven infeasible. A performance bond of at least 150 percent of the fair market value of the estimated cost of a cleanup or rehabilitation effort may be required.
7. Waste disposal, except clean soils and clean dredge spoils, is prohibited within shoreline jurisdiction. Temporary storage of waste is allowed, provided any hazardous materials stockpiled during cleanup operations shall be removed from the shoreline area as soon as excavation is completed.
8. New or expanded facilities for water transport of bulk crude or other forms of petroleum in vessels over 125,000 dwt shall be prohibited within the Ediz Hook vicinity.
9. At new or expanded port and/or industrial developments, the best available facilities practices and procedures shall be employed as per 33CFR 154 & 156 for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water and optimum means shall be employed for prompt and effective cleanup of those spills that do occur.
10. The Port of Port Angeles and industries are encouraged to make beneficial use of dredged material when feasible.
11. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this master program.
12. Ship and boat building and repair yards shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs are found in *Water Quality Manual: Best Management Practices* and will be referred to in the following text as BMP.

Regulations -- Design

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1. The City may require that new or expanded upland industrial development be set back and buffered from adjacent shoreline properties which are used for nonindustrial purposes. Buffers shall be of adequate width, height and plant and soil composition to protect shorelines and such other properties from visual or noise intrusion, minimize erosion and protect water quality. Buffers shall not be used for storage of industrial equipment or materials, nor for waste disposal, but may be used for outdoor recreation if consistent with public access and other provisions of the SMP.
2. Display and other exterior lighting shall be designed, shielded and operated to minimize glare, avoid illuminating nearby properties and prevent hazards for public traffic.

Regulations -- Log Storage

1. 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.
2. Berms, dikes, grassy swales, vegetated buffers, retention ponds or other means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point, if possible. It shall be demonstrated that State water quality standards and/or criteria will not be violated by such runoff under any conditions of flow leaving the site and entering into nearby water courses. If such demonstration is not possible, treatment facilities for runoff shall be provided, meeting State and Federal standards.
3. Offshore log storage, when allowed, shall be located where natural tidal or current flushing and water circulation is optimal to disperse polluting wastes.
4. Log storage shall not be permitted in public waters where water quality standards cannot be met at all times or where these activities are a hindrance to other beneficial water uses such as small craft navigation.
5. The free-fall, violent dumping of logs into water shall be prohibited. Easy let-down devices shall be employed for placing logs in the water.
6. Positive bark and wood debris control, collection and disposal methods shall be employed at log dumps, raft building areas and mill-side handling zones. This shall be required for both floating and sinking particles.
7. Log dumps shall not be located in rapidly flowing waters or other water zones where bark and debris controls cannot be effectively provided.
8. Logs shall not be dumped, stored or rafted where grounding will usually occur.
9. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at millside.
10. No log yard direct runoff onto City Streets or to the storm system shall be allowed.
11. Tire cleaning shall occur before equipment moves off of a log yard to a city street.

F. Recreational Development

Applicability

Recreational development provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement or contemplation. It includes facilities for passive recreational activities such as hiking, photography, viewing and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, golf courses and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Policies

1. The coordination of local, state and federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation and open space plans.
2. Recreational developments and plans should promote the primacy of preserving the natural character, resources and ecology of shorelines of state-wide significance. (See use preferences, RCW 95.58.020).
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. The shoreline public access should be connected to other points in the city with linear systems, such as hiking paths, bicycle paths, easements and/or scenic drives.
5. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreation. Such habitats should be constructed in areas of low habitat diversity and in consultation with the Department of Fish and Wildlife and local tribes.
6. The use of shoreline street ends and publicly owned lands suitable for public access and development of recreational opportunities should be encouraged.

Regulations -- General

1. Valuable shoreline resources and fragile or unique areas such as marshes, bogs, swamps, estuaries and accretion beaches shall be used only for nonintensive and nonstructural recreation activities.
2. Substantial accessory use facilities, such as rest rooms, recreation halls and gymnasiums, commercial services, access roads and parking areas shall be setback from the OHWM unless it can be shown that such facilities are essentially shoreline-dependent. These areas may be linked to the shoreline by walkways.
3. For recreation developments that require the use of fertilizers, pesticides or other toxic chemicals, such as golf courses and play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies.

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4. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this master program.
5. In approving shoreline recreational developments, the City shall encourage the developer to maintain, enhance or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this intent.
6. No recreational buildings or structures shall be built over water, EXCEPT water-dependent and/or public access structures such as piers, docks, bridges or viewing platforms may be permitted.
7. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent overflow and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.

G. Residential Development

Applicability

Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and short subdivisions, together with accessory uses and structures normally applicable to residential uses including but not limited to garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Residential development does not include hotels, motels or any other type of overnight or transient housing or camping facilities.

Exemptions

Although a substantial development permit is not required for construction within shoreline jurisdiction by an owner, lessee or contract purchaser of a single-family residence for his own use or the use of his family, such construction and all normal appurtenant structures must otherwise conform to this master program. "Appurtenance" means a structure that is necessarily connected to the use and enjoyment of a single-family residence and includes a garage, deck, driveway, utilities, fences and grading which does not exceed 250 cubic yards (see WAC 173-14-040 (1)(g)).

The Shoreline Management Act exempts from the requirement to obtain a substantial development permit the construction of any structure with a fair market value less than \$2,500. Although these structures are exempt from obtaining a substantial development permit, compliance with the provisions, prohibitions, regulations and development standards of this program is still required and may include variance and conditional use permits. Developments other than a single-family residence, including multi-family residential development, all subdivisions, floating homes and nonexempt accessory structures are required to obtain a substantial development permit.

Policies

1. Residential development should be permitted only where there are adequate provisions for utilities, circulation and access. Residential development should be prohibited in environmentally sensitive areas including but not limited to marshes, bogs and swamps, steep bluffs, floodways, etc.
2. Residential development should be prohibited where potential conflicts with water-oriented or public uses might occur.
3. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality, shoreline aesthetic characteristics, views and normal public use of the shoreline and the water.
4. Residential developments, including all development of more than one single-family residence, should provide dedicated and improved public access to the shoreline in a manner which is appropriate to the site and the nature and size of the development.
5. New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts and reduce utility and road costs.
6. Structures or other developments accessory to residential uses should be designed and located to blend into the site as much as possible. Accessory use and structures should be located landward of the principal residence.

Regulations

1. Residential development shall not be approved where flood control, shoreline protection measures or bulkheading will be required to create residential lots or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future.
2. All residential structures, accessory uses and facilities shall be arranged and designed so as to preserve public views and vistas to and from shorelines and water bodies and be compatible with the aesthetic values of the area.
3. Prior to issuance of a building permit, plat or short plat or other shoreline development approval, the developer shall submit adequate plans for preservation of shore vegetation and for control of erosion during and after construction, resulting in permanent shoreline stabilization. Such plans shall be a part of the shoreline permit, if one is required.
4. New residential structures and accessory structures shall be prohibited over water or floating on the water.
5. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this master program.
6. Subdivisions and planned unit developments of five or more waterfront lots/units shall dedicate, improve and provide maintenance provisions for a pedestrian easement which provides area sufficient to ensure usable access to and along the shoreline for all residents

of the development and the general public. When required, public access easements shall be a minimum of 25 feet in width and shall be in compliance with public access standards contained herein, notwithstanding a reduction to relieve hardship pursuant to the Public Access provisions.

7. Accessory structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses and natural features (see WAC 173-14-040(1)(g)).

H. Transportation Facilities

Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, freight terminals, ferry terminals, float plane terminals, heliports and other related facilities.

Policies

1. New roads, railroads and bridges in shoreline jurisdiction should be minimized, and allowed only when related to and necessary for the support of permitted shoreline activities.
2. Road and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alteration of natural conditions results. New transportation facilities should be located and designed to minimize the need for shoreline protection measures and minimize the need to modify natural drainage systems. The number of waterway crossings should be limited to the maximum extent possible.
3. Trail and bicycle paths should be encouraged along shorelines where they are compatible with the natural character, resources and ecology of the shoreline.
4. When existing transportation corridors are abandoned they should be reused for water-dependent use or public access.
5. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized forms of transportation should be encouraged.
6. Abandoned or unused road, railroad or utility rights-of-way or easements which offer opportunities for public access to the water should be acquired and/or retained for such use.

Regulations -- General

1. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this program. If expansion of the existing corridor will result in significant adverse impacts, then a less disruptive alternative shall be utilized.

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2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so.
3. Landfills for transportation facility development are **prohibited** in water bodies, marshes, bogs and swamps and on accretion beaches, EXCEPT when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program, such landfill may be permitted as a CUP.
4. The following regulation applies to shoreline road ends: RCW 35.79.035 and RCW 36.87.130 prohibits the City from vacating any City road which abuts a body of salt or fresh water unless the street or road is not currently used or suitable for boat moorage or launching site or for a park, viewpoint, recreation, education or other public purposes (see RCW legal procedure to vacate streets).
5. All shoreline development must conform to the General Provisions and the Environment Designation Provisions stated in this master program.

Regulations -- Location and Design

1. Major new highways, freeways and railways shall be located outside shoreline jurisdiction, EXCEPT to serve water-dependent or public uses consistent with this program when inland alternatives are infeasible, including unavoidable water crossing.
2. New transportation facilities shall be located and designed to prevent or minimize the need for shoreline protective measures such as riprap or other bank stabilization, landfill, bulkheads, groins or substantial site grading. Transportation facilities allowed to cross over water bodies, marshes, bogs and swamps shall utilize elevated, open pile or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide 3 feet of freeboard above the 100-year flood level.
3. Bridges, crossings, debris grates, culverts and similar devices used for fish passage shall meet all requirements set by the State Department of Fisheries and Wildlife.
4. All shoreline areas disturbed by facility construction and maintenance shall be replanted and stabilized with compatible, self-sustaining vegetation by seeding, mulching or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained until established by the agency or developer constructing or maintaining the road.
5. Both commercial and individual private float plane and heliport facility services shall conform to FAA standards and building and fire codes, which include fuel, oil spill clean up, safety and fire fighting equipment and vehicle and pedestrian separation.
6. Transportation facilities are prohibited in:
 - a. Hazardous areas such as steep slopes or areas with soils subject to severe erosion or landslides;
 - b. Front of feeder bluffs, over driftways or on accretion shoreforms; or in
 - c. Areas where river channel direction and alignment is subject to change.

7. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control on City roads in shoreline jurisdiction. If the situation requires the use of herbicides, they shall be applied to noxious weeds only, so that chemicals do not enter adjacent water bodies or damage or kill beneficial native shoreline vegetation.
8. No machinery shall operate within a stream bed except in compliance with a hydraulics permit issued by the Washington State Department of Fisheries and Wildlife. Any soil or debris accidentally placed in a water channel during bridge construction shall be immediately removed by approved methods.

I. Utilities (Primary)

Applicability

Utilities are services and facilities that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil and the like. The provisions in this section apply to primary use and activities such as solid waste handling and disposal, sewage treatment plants and outfalls, public and private high-tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities. See Chapter 4, "Utilities" for on-site accessory use utilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste on any land area on or in the water.

Solid waste includes all putrescible and nonputrescible 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 or agricultural or other commercial logging wastes not specifically listed above.

Policies

1. Utilities should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
2. Utilities should be **prohibited** in marshes, bogs and swamps, estuaries, critical wildlife areas or other unique and fragile areas unless no feasible alternatives exist.
3. New utility facilities should be located so as not to require extensive shoreline protection works.
4. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.
5. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

Regulations

1. Applications for installation of utility facilities shall include the following:
 - a. Description of the proposed facilities;
 - b. Reason(s) why the utility facility requires a shoreline location;
 - c. Alternative locations considered and reasons for their elimination;
 - d. Location of other utility facilities in the vicinity of the proposed project and any plans to include the facilities of other types of utilities in the project;
 - e. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the primary utility's useful life;
 - f. Plans for control of erosion and turbidity during construction and operation; and
 - g. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
2. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.
3. Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new or parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the unfeasibility of existing routes.
4. The following utility facilities, which are not essentially water-dependent may be authorized by conditional use permit:
 - a. Water system treatment plants;
 - b. Sewage system lines, interceptors, pump stations and treatment plants;
 - c. Electrical energy generating plants (except for instream structures), substations, lines and cables; and
 - d. Petroleum and gas pipelines.
5. New solid waste disposal sites and facilities are **prohibited**.
6. Existing above ground lines should be moved underground during normal replacement processes where practical.
7. New utility lines including electricity under 12 KV, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible.
8. New utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.
9. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.

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10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
11. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their preproject condition.
12. Waste water outfalls are a permitted use.
13. Repair, maintenance and armoring of existing utility lines is a permitted use.

Chapter 7

Shoreline Modification Activity Regulations

A. Introduction

Shoreline modification activities are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, piers, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modification activities.

Generally, shoreline modification activities are undertaken for the following reasons:

To prepare a site for a shoreline use

To provide shoreline stabilization or shoreline protection

To support an upland use

A single shoreline use may require several different shoreline modification activities. For example, marina development may require dredging, clearing, grading, and landfilling as well as breakwater construction.

The policies and regulations in this chapter are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modification activities. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for the following shoreline modification activities:

1. Shoreline stabilization and shoreline protection, including:

Shoreline restoration and enhancement

Bioengineering

Revetments

Bulkheads

Breakwaters, rock wiers, and groins

Dikes and levees

2. Dredging and dredge material disposal.

3. Landfill.

4. Piers, wharves, docks, floats and buoys.

B. General Shoreline Modification Provisions

Applicability

The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.

Policies

1. All new shoreline development should be located and designed to prevent or minimize the need for shoreline modification activities.

2. When shoreline modification activities are necessary, they should be as compatible as possible with natural shoreline processes.
3. Shoreline modification activities should be discouraged on shorelines existing in their natural state.
4. Public shoreline stabilization and shoreline protection projects should incorporate multiple use and shoreline public access whenever possible.
5. In the review of proposals involving modifications to the shoreline, consideration should be given to the potential cumulative impacts of similar proposals. Steps should be taken to prevent the gradual degradation of shorelines due to the cumulative impacts of seemingly small modifications.

Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use. Shoreline modification activities which do not support a permitted shoreline use are considered ?speculative? and are prohibited by this master program; unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, relocation, and bioengineering.
3. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative.
4. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
5. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.
6. In addition to the permit information required by WAC 173-27-110, the City shall require and consider the following information when reviewing **shoreline modification** proposals:
 - a. Construction materials and methods;
 - b. Project location relative to toe and crest of uplands and upland structures;
 - 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). For freshwater: 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;
 - f. Profile rendition of beach and uplands;
 - g. Beach type, slope and material;
 - h. Uplands type, slope and material;
 - i. Soil types (S.C.S.);
 - j. Physical or geologic stability of uplands;
 - k. Potential impact to natural shoreline processes, adjacent properties, and upland stability; and
 - l. The potential cumulative impact of other similar modifications in other applicable locations.

7. In addition to the permit information required by WAC 173-14-110 and items 6a-l, above, the City may require and consider the following information when reviewing **shoreline stabilization and shoreline protection** proposals:
 - a. Purpose of project;
 - b. Hydraulic characteristics of the shoreline ½ mile either side of the project site;
 - c. Existing shoreline stabilization and shoreline protection ½ mile either side of the project site;
 - d. Construction materials and methods;
 - e. Physical and geological characteristics of the project site;
 - f. Predicted impacts to natural shoreline processes, adjacent properties, and existing shoreline and water uses; and
 - g. Nonstructural alternatives which will achieve the same purpose.
8. Shoreline stabilization and shoreline protection shall be located landward of the floodway and all associated marshes, bogs and swamps.
9. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to preproject conditions to the greatest extent possible. Plantings shall consist of native grasses, shrubs, and/or trees in keeping with preexisting bank vegetation. If native species are not available and vegetation is needed for shoreline stabilization purposes, the City will determine acceptable plant substitutes.
10. Shoreline modification activities, with the exception of shoreline restoration or enhancement efforts, are prohibited in marshes, bogs, and swamps and in salmon and trout spawning habitats.
11. Use of car bodies, scrap building materials, asphalt from street work, or discarded equipment or appliances shall be prohibited for shoreline stabilization and shoreline protection.

C. Shoreline Stabilization and Shoreline Protection

The purpose of shoreline stabilization and shoreline protection is to prevent or mitigate upland beach erosion caused by flood, current, wave, or wake action.

The following shoreline stabilization and shoreline protection methods are organized from "soft" to "hard". The use of "soft" methods is the preferred "best practices" choice when considering shoreline stabilization or shoreline protection. Policies and regulations are included for the following:

- Shoreline restoration and enhancement
- Bioengineering
- Revetments
- Bulkheads
- Breakwaters, Rock Weirs and Groins
- Dikes and Levees

D. Shoreline Restoration and Enhancement

Applicability

Shoreline restoration and/or enhancement is the improvement of the natural characteristics of upland, tidal, or submerged shoreline using native materials. The materials used are dependent on the intended use of the restored or enhanced shoreline area.

Policies

1. The City should consider shoreline enhancement and/or restoration as an alternative to structural shoreline stabilization and protection measures where:
 - a. The length and configuration of the shoreline will accommodate such systems.
 - b. Such an approach is reasonable to the needs of the specific site.
 - c. Shoreline enhancement and/or restoration will accomplish one or more of the following objectives:
 - i. Recreate or enhance natural shoreline conditions.
 - ii. Create or enhance natural habitat.
 - iii. Prevent erosion which is not integral to natural shoreline processes.
 - iv. Enhance access to publicly-owned shorelines.
2. All shoreline restoration and/or enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
3. Where possible, shoreline restoration and/or enhancement should use maintenance-free or low-maintenance designs.
4. The City should require beach replenishment where structural shoreline stabilization is likely to starve the beach at or downdrift from the project site.
5. Shoreline restoration and/or enhancement should not extend waterward more than necessary to achieve the intended results.

Regulations

1. Shoreline enhancement may be permitted if the project proponent demonstrates which no significant change to littoral drift or river current will result which will adversely affect adjacent properties or habitat.
2. Shoreline restoration and/or enhancement projects shall use best available technology.
3. Beach or shoreline restoration and/or enhancement shall **not**:
 - a) Extend waterward more than the minimum amount necessary to achieve the desired result.
 - b) Create "additional dry land".
 - c) Disturb significant amounts of valuable shallow water fish or wildlife habitat without appropriate mitigation.
 - d) Significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
4. Shoreline enhancement is prohibited in spawning, nesting or breeding habitat which would be adversely affected by the enhancement efforts.
5. Shoreline enhancement is prohibited where potential dispersal of enhancement materials from littoral drift will adversely affect adjacent spawning, nesting, or breeding habitat.

E. Bioengineering

Applicability

Bioengineering uses natural vegetation to stabilize or protect the shoreline from erosion. Bioengineering is an alternative to traditional structural shoreline stabilization and protection,

which use "hard" materials like riprap, concrete, or steel. Bioengineering can provide fish and wildlife habitat and preserve the natural character of the shoreline.

Policies

1. Bioengineering projects should be designed to maintain water quality, protect fish and wildlife habitat, and maintain flood holding capacity. Bioengineering projects should be designed and scheduled to minimize impacts to natural resources.
2. Bioengineering should use native, maintenance-free or low-maintenance vegetation.
3. Bioengineering projects should extend no further waterward than is necessary to achieve the intended results.
4. Bioengineering projects should be adequately protected from incompatible uses such as livestock and off-road vehicles.
5. Bioengineering projects should follow recommended best management practices for establishing/restoring vegetation in shoreline and riparian areas. Guidance from the Soil Conservation Service, the Washington Department of Fisheries and Wildlife, Washington Department of Ecology, and local Conservation Districts should be considered.

Regulations

1. The City may require and utilize the following information, in addition to the standard permit information required by WAC 173-14-110, in its review of all bioengineering projects:
 - a. Proposed construction timing;
 - 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 soil preparations;
 - e. Existing and proposed slope profiles, including location of ordinary high water mark;
 - f. Proposed designs for transition areas between the project site and adjacent properties;
 - g. Documentation (including photos) of existing (pre-construction) shoreline characteristics.
2. Bioengineering projects shall be scheduled to minimize impacts to water quality, fish and wildlife habitat, and aquatic and upland habitat.
3. Bioengineering projects shall use native trees, shrubs and/or grasses, unless such an approach is unfeasible.
4. Cleared areas shall be replanted following construction. Vegetation shall be fully reestablished within three years. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.
5. A buffer shall be established for a minimum of three years to protect the project site from incompatible uses (for example, livestock, vehicles or other activities which could disturb the site).
6. All bioengineering projects shall be monitored and maintained.

F. Revetments

Applicability

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

Policies

1. Revetments should be allowed only where nonstructural shoreline stabilization or shoreline protection cannot achieve the same purpose.
2. Revetment construction or maintenance should not adversely impact shoreline resources. Where adverse impacts are unavoidable, mitigation should be required.
3. Revetments should be designed to accommodate public access to publicly-owned shorelines whenever possible.

Regulations -- General

1. Revetments shall be constructed and maintained so they do not reduce water quality or adversely impact fisheries habitat.
2. Revetment design shall properly consider:
 - a. Hydrologic and geologic conditions.
 - b. Stream flow, velocity, and flood capacity.
 - c. Potential impacts to adjacent properties.
3. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.
4. Revetments shall be designed to accommodate shoreline public access to publicly-owned shorelines whenever possible.
5. Revetments must be in support of an allowable shoreline use which is in conformance with the provisions of this master program; unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
6. Riprap shall be constructed using techniques and materials which will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation, and aesthetics.
 - a. Riprap material shall consist of clean quarried rock, free of loose dirt and pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action.
 - b. Use of downed logs, snags, or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate.
 - c. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat, and improve the natural appearance of the shoreline.
7. Revetment siting and design shall use appropriate engineering principles, including guidelines of the U.S. Soil Conservation Service and the U.S. Army Corps of Engineers.

G. Bulkheads

Applicability

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

Exemptions

Normal protective bulkheads common to existing single-family residences do not require shoreline substantial development permits (SSDP); however, normal protective bulkheads still must comply with all other master program policies and regulations. Project proponents must obtain a statement of exemption from the City before commencing construction of any bulkhead WAC 173-14-040 (1)(c) states:

A normal protective bulkhead is constructed at or near the ordinary high water mark to protect an existing single-family residence and is for protecting land from erosion not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.

Policies

1. The City should discourage the construction of bulkheads on feeder bluffs and on undeveloped shorelines.
2. New development requiring bulkheads should be discouraged.
3. When bulkheading is necessary, the City should encourage affected property owners and public agencies to coordinate bulkhead development for stretches of shoreline.
4. The City should consider the cumulative effect of bulkheads along a stretch of shoreline before granting individual bulkhead exemptions.
5. Bulkheads should not be approved as a solution to geologic problems, such as mass slope failure, sloughing, or landsliding, which are caused by factors with an upland origin.

Regulations -- General

1. Bulkheads are prohibited when their primary purpose is to:
 - a. Retain or create dry land (unless specifically authorized by permit).
 - b. Protect a platted lot where no structure presently exists.
2. Bulkheads shall be allowed only when the project proponent demonstrates that a nonstructural solution will not achieve the same purpose, and one of the following conditions exists:
 - a. Serious wave erosion threatens an established use or existing building(s) on upland property; or
 - b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this master program.
3. Bulkhead design and construction shall conform to all other applicable state agency policies and regulations.

4. All bulkheads must be in support of an allowable shoreline use which is in conformance with the provisions of this master program unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

Regulations -- Location and Design

1. Bulkheads are prohibited on shorelines with sensitive geological, hydrological, or biological resources or processes, including but not limited to feeder bluffs, wetlands, and accretion shoreforms.
2. Bulkheads are permitted only where local physical conditions such as foundation bearing material and surface and subsurface drainage are suitable.
3. Bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline.
 - a. On marine accretion beaches, bulkheads shall be set back a minimum of 25 feet landward of the OHWM and shall parallel the natural shoreline.
 - b. On bluff or bank shorelines where no other bulkheads are adjacent, bulkhead construction shall be as close to the bank as possible and in no case shall be more than 3 feet from the toe of the natural bank.
 - c. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM and (2) the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM and shall be contoured to minimize the land-area waterward of the required setback, which shall be met on the side not abutting an existing bulkhead.
4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead provided that replacement bulkheads are not authorized abutting an abandoned or neglected bulkhead or a bulkhead in serious disrepair located more than three feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.
5. Bulkheads at public access sites shall provide safe access to the water.
6. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.
7. Stairs or other permitted structures may be built into bulkheads, but such structures shall not extend waterward of the bulkhead.
8. Bulkheads shall have adequate toe protection to ensure bulkhead stability without relying on additional riprap.
9. Materials used in bulkhead construction shall meet the following standards:
 - a. Bulkheads shall utilize stable, nonerosional, homogeneous materials such as concrete, wood, riprap (rock), or other suitable materials which will accomplish the purpose with the maximum preservation of natural shoreline characteristics.
 - b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.

10. Fill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the landfill provisions in this master program and the shoreline substantial development permit process.

H. Breakwaters, Rock Weirs and Groins

Applicability

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

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

Policies

1. In general, breakwaters, rock weirs and groins should be discouraged because these structures permanently impact natural shoreline processes, create the need for ongoing maintenance dredging or beach replenishment programs, and adversely affect shorelines located downdrift of the project site.
2. If permitted, the City should encourage:
 - a. Anchored-in-place open-pile or floating breakwaters over fixed breakwaters.
 - b. Rock weirs and groins designed as part of an overall system approach intended to minimize the need for ongoing shoreline modification activities.
3. Protection of the City's scenic and aesthetic resources should be considered in the review of proposals for breakwaters, rock weirs and groins.
4. Breakwaters, rock weirs and groins should provide public shoreline access or multiple use opportunities wherever possible.
5. Breakwaters, rock weirs and groins should be located, designed and constructed primarily to prevent damage to existing development. New development requiring such structures should be discouraged except when one of the following conditions exists:
 - a. Serious wave erosion threatens an established use or existing building(s) on upland property; or
 - b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this master program.

Regulations -- General

1. The design and construction of breakwaters, rock weirs and groins shall conform to all applicable state agency policies and regulations.
2. The City shall require and use the following information in its review of breakwater, rock weir, or groin proposals:
 - a. Purpose of the structure.
 - b. Net and seasonal direction and quantity of littoral drift and tidal currents.
 - c. Seasonal wind data (wind rose).

The following information also is required for groins:

- d. Profile of uplands.
 - e. Beach types, slope, and materials
 - f. Upland slope, geology, vegetation, and stability.
 - g. Soils types. (Soil Conservation Service)
 - h. Potential impact to adjacent shoreline processes, properties and upland stability.
3. Proposals for groins and fixed breakwaters shall notify, by certified mail, all shoreline property owners within the same drift sector as the proposed project. If a reasonable determination of the drift sector is not possible, all shoreline property owners within 1 mile of the proposed project shall be notified.
 4. The effect of proposed breakwaters, rock weirs and groins on sand movement shall be evaluated during permit review. The beneficiaries and/or owners of large scale works that substantially alter, reduce or block littoral drift and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach replenishment program (either by artificially transporting sand to the downdrift side of an inlet or) by artificial beach replenishment (in the case of breakwaters, rock weirs, and groins).
 5. All breakwater, rock weir and groin proposals must be in support of an allowable shoreline use which is in conformance with the provisions of this master program; unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

Breakwaters

1. Breakwaters shall be allowed for the following purposes only:
 - a. Navigation.
 - b. Industrial activities: as an integral component of a harbor, marina, or port where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.
 - c. Marinas: where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.
2. Anchored-in-place open-pile or floating breakwaters shall be preferred over fixed breakwaters; unless, it can be demonstrated that solid breakwaters will have no significant adverse impacts to natural shoreline processes or that such adverse impacts can be adequately mitigated.

Rock Weirs and Groins

1. Rock weirs and groins shall be allowed for the following purposes only:
 - a. Navigation.
 - b. Water-dependent industrial activities.
 - c. Marinas.
 - d. Erosion control.
 - e. Fisheries or habitat enhancement as part of an adopted resource management plan.
2. Rock weirs, or groins which would cause a net adverse impact to adjacent and nearby shorelines are prohibited.
3. Groin construction across tidal areas to provide access to deep water is prohibited unless integral to a public access project.

Regulations -- Design

1. New or expanded breakwaters, rock weirs and groins shall be designed and certified by a registered civil engineer.
2. Breakwaters, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts to water circulation, sand movement, aquatic life, navigation, and shoreline public access (visual and physical).
3. New breakwaters, rock weirs, and groins shall provide shoreline public access (visual or physical) whenever possible.
4. Materials used for the construction of breakwaters, rock weirs and groins shall be durable, low-maintenance and compatible with existing shoreline features, processes, and aesthetics.

I. Dredging and Dredge Material Disposal

Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp. Activities which require dredging include the construction and maintenance of navigation channels, turning basins, harbors, and marinas.

Dredge 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 the by-products of dredging.

Exemptions

Consult WAC 173-27-040, for actions which are exempt from the requirement for a shoreline substantial development permit, but may still require a conditional use or variance permit.

Policies

1. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site.
2. Dredging of bottom materials for the primary purpose of obtaining the material for fill or other purposes is strongly discouraged.
3. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
4. Dredge material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredge material on land would be more detrimental to shoreline resources than deposition in water areas.
5. Long range regional plans have been developed for in water disposal and use of dredged material particularly in areas where maintenance of navigation channels is routine and continuous. Recognized dredge disposal sites in water areas have been identified through the (Puget Sound Dredge and Disposal Analysis).
6. When dredge material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach

enhancement, habitat creation, aggregate or clean cover material at a landfill (where appropriate).

7. Dredging and dredge material disposal operations should be periodically reviewed for consistency with this master program.

Regulations -- General

1. Applications for shoreline dredging and dredge material disposal may be required to provide the following information:
 - a. Physical, chemical and biological assessment of the proposed dredged material applicable to the particular dredging site. Information needed will vary depending upon:
 - i. Existing biological communities or resources in the area;
 - ii. The possibility of significant sediment contamination; and
 - iii. The suitability of the proposed dredge disposal site.
 - b. Specific data to be considered include:
 - i. Physical - Grain size, clay, silt, sand or gravel as determined by sieve analysis.
 - ii. Chemical - Including conventional parameters, metals and organics.
 - iii. Biological - Bioassays useful in determining the suitability of dredged material for a selected disposal option.
 - c. Dredging volumes, methods, schedule, frequency, hours of operation and procedures;
 - d. Method of disposal, including the location, size, capacity and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;
 - e. Stability of bedlands adjacent to proposed dredging area;
 - f. Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, particularly in estuaries, in order to identify existing hydrological and geological patterns and probable effects of dredging;
 - g. Assessment of water quality impacts; and
 - h. Biological assessment including migratory, seasonal and spawning use areas.
2. In evaluating permit applications for any dredging project, the adverse effects of the initial dredging, subsequent maintenance dredging and dredge disposal which will be necessary shall be considered. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant and/or ongoing damage to water quality, fish, shellfish and other essential marine biological elements; and
 - b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.
3. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.

4. Dredging and dredge disposal shall not occur in marshes, bogs or swamps, except as authorized by conditional use permit provided the wetland does not serve any of the valuable functions of wetlands identified in this master program or during the permit review process including, but not limited to, wildlife habitat and natural drainage functions, and/or enhances the wildlife habitat, natural drainage and/or other valuable functions.
5. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity (e.g. fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (e.g. drift net, crabbing, etc.) during a fishing season unless specifically addressed and mitigated for in the permit.
6. Dredging and dredge disposal shall be **prohibited** on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
7. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.

Regulations -- Dredging

1. Dredging waterward of the ordinary high water mark shall be permitted only:
 - a. For navigation or navigational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water quality;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
 - f. To improve water flow and/or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan; or
 - g. To clean up contaminated sediments.
2. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
3. New dredging activity is prohibited:
 - a. In estuaries;
 - b. Along net positive drift sectors and where hydrological and geological processes are active and accretion shore forms would be damaged, altered or irretrievably lost;
 - c. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents or tidal activity; which result in the need for continual maintenance dredging; except by conditional use permit.
 - d. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.
4. Dredging for the primary purpose of obtaining material for landfill is prohibited.

Regulations -- Dredge Material Disposal

1. Disposal of dredged material may be accomplished at approved contained upland or near shore disposal sites.

2. Individual disposal operations shall comply with Department of Natural Resources leasing practices, Ecology Water Quality Certification process and the U.S. Army Corp. of Engineers permit requirements.
3. Dredge material disposal in PSDDA sites is an approved activity.
4. Except sites approved through the PSDDA Management Plan. Depositing clean dredge materials in water areas shall be allowed only by conditional use permit for one or more of the following reasons:
 - a. For wildlife habitat improvement;
 - b. To correct problems of material distribution adversely affecting fish and shellfish resources;
 - c. For permitted beach enhancement;
 - d. When the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing in water areas; or
 - e. When the deposition is at a site approved through the Puget Sound Dredge Disposal Analysis (PSDDA) process, and the material has been determined to be suitable for open water disposal after testing using PSDDA criteria and procedures.
5. Disposal, if allowed in water, shall utilize techniques which cause the least dispersal and broadcast of materials unless specifically designed and approved as a dispersal site.
6. Use of dredge materials for beach enhancement shall be conducted so that:
 - a. Erosion or deposition downstream from the disposal site is minimized. Erosion of the dredged material shall not smother marsh or other shallow productive areas.
 - b. To the extent possible, the volume and frequency of dredged material disposal maintains a stable beach profile. Dredged material shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish.
7. Land disposal sites shall adhere to the following criteria when done within shoreline jurisdiction:
 - a. Containment dikes and adequate settling basins shall be built and maintained so that the site's discharge water carries a minimum of suspended sediment;
 - b. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands and drainages;
 - c. Runoff water shall be controlled so as to enter a waterway through grassy swales or other treatment features that assure protection of water quality and other environmental resources;
 - d. Underground springs and aquifers shall be identified and protected; and
 - e. Dredge material disposal shall constitute landfill and shall comply with the landfill provisions in this master program.
8. Near shore or upland disposal of dredge materials shall not be located upon, adversely affect, or diminish:
 - a. Estuaries, wetlands, or significant plant communities;
 - b. Water quality, quantity and drainage characteristics; and
 - c. Public access to shorelines and water bodies.
9. Where the City requires, revegetation of land disposal sites shall occur as soon as possible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used.

10. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this master program.
11. The City may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffers at land disposal or transfer sites in order to protect the public safety and other shore users' lawful interests from unnecessary adverse impacts.

J. Landfill

Applicability

Landfill is the placement of soil, sand, rock, gravel, existing sediment or other material (excluding sanitary solid dredge material classified as solid waste) and to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation. Any landfill activity conducted within shoreline jurisdiction must comply with the following provisions.

Policies

1. Landfills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses which are consistent with this master program.
2. Shoreline fills should be designed and located so there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface water drainage or flood waters which would result in a hazard to adjacent life, property and natural resource systems.
3. In evaluating fill projects, such factors as potential and current public use of the shoreline and water surface area, navigation, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. (Further, the City should assess the overall value of the landfill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Act and this master program.)
4. The perimeter of landfills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time. Natural-appearing and self-sustaining control methods are preferred over structural methods.
5. Sanitary landfills shall not be located in shoreline jurisdiction.
6. Environmental cleanup actions involving excavation/landfill, as authorized by WDOE, may be permitted.

Regulations -- General

1. Applications for landfill permits shall include the following:
 - a. Proposed use of the landfill area;
 - b. Physical, chemical and biological characteristics of the fill material;
 - c. Source of landfill material;
 - d. Method of placement and compaction;
 - e. Location of landfill relative to natural and/or existing drainage patterns and wetlands;
 - f. Location of the landfill perimeter relative to the OHWM;
 - g. Perimeter erosion control or stabilization means; and
 - h. Type of surfacing and runoff control devices.

2. Landfill waterward of OHWM may be permitted only when:
 - a. In conjunction with a water-dependent or public use permitted by this master program;
 - b. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;
 - c. As part of an approved beach restoration project; or
 - d. For fisheries, aquaculture, or wildlife habitat enhancement projects.
3. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to landfills. Landfills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven unfeasible.
4. Landfills are **prohibited** in flood plains except where it can be clearly demonstrated that the hydrologic characteristics and flood storage capacity will not be altered to increase flood hazard or other damage to life or property. Landfills are **prohibited** in floodway, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, specified in Regulation #2 above.
5. Landfill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.
 - c. Landfills may be permitted only in conjunction with a specific development already permitted by this master program or as proposed (i.e. permit applied for) simultaneously with such development and shall be the minimum necessary to accommodate the proposed use. Speculative landfills are **prohibited**.
6. Environmental cleanup action involving excavation/landfill, as authorized by Ecology, may be permitted.

Regulations -- Design and Construction

1. Where existing public access is reduced, equal public access as part of the development project shall be provided.
2. Landfills shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion and sedimentation from the affected area.
3. Fill materials shall be clean sand, gravel, soil, rock or similar material.
4. Landfills shall be designed to allow surface water penetration into ground water supplies where such conditions existed prior to fill.
5. Agricultural waste, dangerous waste, demolition waste, industrial solid waste, medical waste, putrescible waste, septage or sludge, as defined in Chapter 173-304 WAC, shall not be used for landfill. Problem waste may be confined in landfill, if approved by the Dept. of Ecology as part of site cleanup or remedial action.

K. Piers, wharves, Docks, Floats & Buoys

Applicability

Piers, wharves and docks are structures that abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft. Piers are built on fixed platforms above the water, while docks float on the water. Recreational floats are anchored offshore platforms used for water-dependent recreational activities such as swimming and diving.

Piers, wharves and docks are utilized for commercial, industrial and recreational purposes. Shoreline uses which employ a pier or dock are subject to the provisions in this section as well as the provisions in Chapter 6, Use Regulations. Community or joint-use docks which provide moorage for six (6) or more vessels shall also comply with the provisions for boating facilities.

Policies

1. Multiple use and expansion of existing piers, wharves and docks should be encouraged over the addition and/or proliferation of new facilities. Joint-use facilities are preferred over new single-use piers, wharves, docks and floats.
2. The use of recreational mooring buoys should be encouraged in preference to either piers or docks.
3. Piers, wharves, docks, floats and mooring buoys should be designed to cause minimum interference with navigable waters and the public's use of the shoreline.
4. Piers, wharves, floats and docks should be sited and designed to minimize possible adverse environment impacts, including potential impacts on littoral drift, sand movement, water circulation and quality and fish and wildlife habitat.
5. Piers, wharves and docks should allow for a maximum of littoral drift and should minimize interference with basic hydrological and geological-hydraulic processes.
6. Recreational piers are encouraged to provide for public docking, launching and recreational access.
7. Local programs and coordinated efforts among private and/or public agencies should be initiated to remove or repair failing, hazardous or nonfunctioning piers, wharves and docks and restore such facilities and/or shore resources to a natural and/or safe condition.
8. Use of natural nonreflective materials in pier, wharf and dock construction should be encouraged. When plastics and other non biodegradable materials are used, precautions should be taken to ensure their containment.
9. The proposed size of the structure and intensity of use or uses of any dock, pier, wharf and/or float should be compatible with the surrounding environment and land and water uses.

Regulations -- General

1. Proposals for piers, wharves or docks shall include at a minimum the following information:
 - a. Description of the proposed structure, including its size, location, design and any shoreline stabilization or other modification required by the project;
 - b. Ownership of tidelands, shorelands and/or bedlands;
 - c. Proposed location of piers, wharves, floats, buoys or docks relative to property lines and OHWM; and
 - d. Location width, height and length of piers, wharves or docks on adjacent properties within 300 feet.

2. In areas identified as having a high environmental value for shellfish, fish life or wildlife, piers, wharves and docks shall not be allowed except where functionally necessary to the propagation, harvesting, testing or experimentation of said marine fisheries or wildlife, unless approved by conditional use permit and only when it can be conclusively established that the dock, wharf or pier will not be detrimental to the natural habitat or species of concern.
3. Piers, wharves, floats, buoys and docks shall not significantly interfere with use of navigable waters.
4. The length of piers, wharves and docks shall be limited in constricted water bodies to assure navigability and protect public use. Piers, wharves and docks may be prohibited where necessary to protect navigation, public use or habitat values.
5. Piers, wharves and docks on river shores are **prohibited** along braided or meandering river channels or where the river channel is subject to change in direction or alignment.
6. All piers, wharves and docks shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe docks, wharves and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the City may, following notice to the owner, abate the structure if the owner fails to do so within ninety days and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

Regulations -- General Design and Construction Standards

1. Pilings must be structurally sound prior to placement in the water.
2. Piles, floats or other members in direct contact with water shall not be treated or coated with biocides such as paint, or pentachlorophenol. Use of arsenate compounds or creosote treated members is discouraged and shall be used only in accordance with the following provisions:
 - a. In freshwater, untreated wood, precast concrete or other nontoxic alternatives shall be used unless the applicant can demonstrate that no feasible alternative to toxic treatments is available which will provide the structural characteristics necessary for the project.
 - b. In saltwater areas characterized by significant shellfish populations or in shallow embayments with poor flushing characteristics, untreated wood, precast concrete or other nontoxic alternatives shall be used unless the applicant can demonstrate that no feasible alternative to toxic treated wood is available which will provide the structural characteristics necessary for the project. In all cases where toxic treated products are allowed, products, methods of treatment and installations shall be limited to those which are demonstrated as likely to result in the least possible damage to the environment based on current information.
3. No over-water field applications of paint, preservative treatment or other chemical compounds shall be permitted except in accordance with best management practices set forth in the marina section of this master program.
4. Piers shall utilize the minimum number of pilings necessary, favoring large spans on fewer pilings over smaller spans on more pilings.
5. If a bulkhead-like base is proposed for a fixed pier, wharf or dock where there is net positive littoral drift, the base shall be built landward of the ordinary high water mark or protective berms.

6. When plastics or other nonbiodegradable materials are used in float, pier, wharf or dock construction, precautions shall be taken to ensure their containment.
7. Overhead wiring or plumbing is not permitted on piers, wharves or docks.
8. Lighting should be the minimum necessary to locate the dock at night and should focus downward to minimize glare.
9. Lighting should be the minimum necessary to locate the dock at night and should focus downward to minimize glare.

Regulations -- Joint-Use Community Recreational Piers, Docks and Floats

1. All hotels, motels and multi-family residences proposing to provide moorage facilities shall be required to construct a single, joint-use moorage facility; provided that the City may authorize more than one joint use moorage facility if a single facility would be inappropriate or undesirable given the specific conditions of the site. No more than one slip for every two units shall be allowed.
2. Joint-use facilities are encouraged in lieu of individual moorage facilities.
3. Proposals for joint-use community piers and docks shall demonstrate and document by contract or covenant that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties.
4. Recreational floats shall be located as close to the shore as possible. They shall not be located farther waterward than existing floats and established swimming areas.
5. Floats must be built so that the deck surface is 1 foot above the water's surface and they must have reflectors for night time visibility.
6. Single property owner recreational floats shall not exceed 64 square feet.
7. Multiple property owners' floats shall not exceed 96 square feet.

Regulations -- Commercial/Industrial Facilities

These standards apply to piers, wharves and docks intended for any commercial or industrial use other than commercial moorage of boats in marinas.

1. Piers, wharves and docks will be permitted to the outer harbor line or combined U.S. Pier head/Bulkhead Line for water-dependent and for multiple use facilities if the majority use is water-dependent and public access can be safely provided. The length should be no more than that required for the draft of the largest vessel expected to moor at the facility. Maximum size of the pier, wharf or dock shall be no greater than necessary to serve the intended use, and will be determined by the City on a case-by-case basis.
2. Substantial development permits for docks, wharves or piers serving single commercial or industrial enterprises shall not be granted until adjacent commercial and/or industrial enterprises have been contacted regarding their water access needs and could realistically make use of a single moorage facility. Where joint use is feasible, permits for individual facilities shall not be granted.
3. 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.
4. Bulk storage for gasoline, oil and other petroleum products for any use or purpose is **prohibited** on piers, wharves and docks. Bulk storage means non portable storage in fixed tanks.

5. Storage for boat fueling facilities shall be located landward of the OHWM and meet the applicable policies and regulations for utilities (accessory and primary), commercial and industrial development.
6. Spill clean up facilities shall be available for prompt response and application at all piers, wharves and docks involved in oil and hazardous products transfer.

Regulations -- Residential

1. Number:
 - a. New subdivisions with shoreline frontage shall be required to provide community use docks if any docks are proposed.
 - b. For lots existing at the time this program is adopted, no more than one private, non-commercial dock for residential or recreational purposes is permitted for each shoreline lot or parcel or contiguous group of lots or parcels in one ownership.
2. Use of Piers vs. Docks;
 - a. On river shorelines, only docks shall be permitted. Such facilities shall be securely anchored to pilings to allow for changes in river level and shall be able to withstand 100-year frequency flooding, or be seasonably removable.
 - b. The use of docks shall be required in preference to piers in areas where scenic values are high.
3. Size:
 - a. **Length:** Maximum length of a pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use and shall be only so long as to obtain a depth of 4 feet of water as measured at mean low water in marine waters or as measured at ordinary low water in fresh water shorelines at the landward limit of the moorage slip.
 - b. **Width:** For private, single use docks, maximum length parallel to shore of the "T" end shall not exceed 10 feet. Maximum width of the walkway shall not exceed 4 feet and eight 8 feet at the immediate landing area deck.
 - c. For community piers and docks, maximum width and length will be as determined by the City on a case-by-case basis.
 - d. **Height:** Dock shall not exceed 3 feet in height above OHWM on the landward side and shall extend above the water surface one 1 foot at all other locations.
4. **Side yard Setbacks:** Docks shall be setback a minimum of 10 feet from side property lines, EXCEPT that community piers and docks may be located adjacent to or upon a side property line when mutually agreed to by contract/covenant with the owners of the adjacent property, a copy of which must be recorded with the County Auditor and filed with the application for permit.
5. **Density** (see also Boating Facilities regulations for facilities with more than ten moorage spaces).
 - a. Community docks and piers shall include no more than one moorage space per dwelling unit or lot.