Port Angeles
Shoreline Master Program

This report was funded in part through a grant from the Washington Department of Ecology.
CITY OF PORT ANGELES
SHORELINE MASTER PROGRAM

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

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A. Introduction to the Shoreline Management Act

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

The SMA has three broad policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Geographic Applications of the SMA

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

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

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

1. Applicable Area

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

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

Federal actions at the U.S. Coast Guard base do not require authorization by the City under this SMP. However, federal actions at the U.S. Coast Guard base may be subject to review under the federal Coastal Zone Management Act. Review under the Coastal Zone Management Act may include consideration of provisions in this SMP.
D. Process to Develop this SMP

1. Coordination with other Shoreline Planning and Development Activities

The 2014 comprehensive update of this SMP was prepared concurrently with the Port Angeles Harbor Resources Management Plan (HRMP). The HRMP is a comprehensive and strategic plan that addresses overlapping geographic areas, goals, and components of Harbor planning. It is intended to fill in data gaps and recommends a cohesive strategy for Harbor improvement that integrates the many environmental management, planning and development efforts on Port Angeles’s shorelines including: Port Angeles Shoreline Inventory, Characterization and Analysis Report, the Port Angeles Shoreline Master Program (SMP), the Waterfront and Transportation Improvement Plan (WTIP), City of Port Angeles’ Comprehensive Plan and Draft Comprehensive Park Plan, Olympic Discovery Trail planning, ʔiʔinəs “Ennis Creek” also known as the former, Rayonier mill site planning, Ennis Creek Restoration Plan, the Port of Port Angeles’ Marine Facilities Master Plan and Central Waterfront Master Plan, Ecology’s Port Angeles Harbor Sediment Study, and the Combined Sewer Overflow (CSO) Reduction Program.

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

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

2. The Public Participation Process

The 2014 SMP and the HRMP were developed through an extensive public process under the guidance of the Harbor Planning Committee (HPC). Throughout the process, the HPC met monthly to review progress and offer expert guidance. The Committee consisted of representatives from the City, Clallam County, Lower Elwha Klallam Tribe, Port of Port Angeles, United States Coast Guard, Department of Natural Resources, Department of Ecology (ex-officio), and the Puget Sound Partnership (ex-officio). The HPC also served as the advisory committee for this SMP.

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

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

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

1. Port Angeles’ waterfront includes a full spectrum of natural resources, economic activities, and recreational attractions.

2. Port Angeles’ shoreline ecology is protected and, where appropriate, restored.

3. The harbor contains vibrant water-oriented industrial, commercial, and recreational uses that contribute to Port Angeles’ economy.

4. Port Angeles’ shoreline is publicly accessible, with ample open space and connections to regional trails and the Downtown.

5. Port Angeles’ shoreline is attractive and inviting, with a variety of natural, “working waterfront,” and scenic amenities.

6. Cultural resources, including historical associations, on Port Angeles’ shorelines are protected and, where appropriate, celebrated and interpreted for greater public appreciation.

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

1. **Administration**

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

There are limited exceptions to local review and shoreline permits. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the SMA do not apply to the following:

a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a
national pollutant discharge elimination system storm water general permit.

c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.

d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

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

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

Persons proposing any shoreline development, land use, or other projects in the shoreline area should consult with the City of Port Angeles Community and Economic Development Department. A staff person will assist the project proponent by identifying the necessary permits and application procedures. The City has also prepared an SMP User Guide to help applicants navigate the SMP. The SMP User Guide may be accessed on the City's website, or by contacting the Community and Economic Development Department.
2. Relationship of this Shoreline Master Program to Other Plans and Regulations

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

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

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

Critical areas, as defined in WAC 173-26-020(8), include: wetlands, areas with a critical recharging effect on aquifers used for potable waters, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Critical areas in shoreline jurisdiction are subject to the provisions as described in detail at Chapter 3, including specific portions of Appendix B.

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

As noted earlier the draft SMP was prepared concurrently with the Harbor Resources Management Plan and where applicable and consistent with the SMA, the SMP supports and implements the recommendations in that plan.
A. Introduction

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

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

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

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

The overarching direction emerging from public input is the community’s desire to protect and enhance the shoreline ecology, to support maritime and water-oriented industries, encourage shoreline restoration, and to provide a broad spectrum of public access and water-oriented recreation opportunities. The environment designations expand the recommended classification system in WAC 173-26-211(4) and (5) because additional designations are useful in addressing the variety of conditions found on Port Angeles' shorelines.

In order to further address the complexity of the city’s shorelines, specific development standards for distinct “segments” within the environment designations may be included for each environmental designation. Shoreline segments and the corresponding shoreline environment designation are depicted in Appendix A Shoreline Environment Designation Maps & Boundary Descriptions.

Section B of this Chapter describes the purpose, designation criteria, management policies and specific development standards for each environment designation as well as the general geographic area to which they apply. Purpose statements are intended to describe the shoreline management objectives of the designation. Designation criteria
provide the basis for classifying or reclassifying a specific shoreline area with that designation. Management policies are integral to determining land uses and activities that can take place within each shoreline environment and in assisting in the interpretation of the environment designation regulations. The inset reference map Figures show approximate location of the designation in each Shoreline segment using the same red shading for all environment designations. Appendix A maps show more detailed locations and differentiate the designations with a range of colors. Note: As established at Section 1.C.1, shoreline Segment P is primarily located outside the City’s shoreline jurisdiction, in the City’s UGA.

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

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

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

B. Environment Descriptions and Specific Development Standards

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

a. Purpose

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

b. Designation Criteria

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

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

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

3. Visual and physical public access to and from the shoreline should be required as part of any development where there is both a public benefit and no security or use conflicts, as provided for in SMP Chapter 3, Section 8 - Public Access.

4. Pedestrian, bicycle, and vehicular routes should be preserved and provided through these segments to public access points such as Ediz Hook, or to public access points that may be developed within these segments.

5. Sign control regulations, appropriate development siting and screening, building bulk and height restrictions, and maintenance of visual buffers should be considered with development or redevelopment to improve the aesthetic quality of the shoreline.

6. Redevelopment including ecological restoration of substandard and degraded urban shoreline areas and removal of obsolete structures is encouraged. Such redevelopment, which may occur through regulatory or capital improvement measures, should consider accommodation of future water-oriented uses.

d. Environment-Specific Development Regulations

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

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

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

i. **Segment C**

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

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

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

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

iii. Averaging will not adversely impact ecological functions; and

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

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

iii. **Segment I**

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

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

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

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

iii. Averaging will not adversely impact ecological functions; and

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

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

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

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

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

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

c. Management Policies
1. In regulating uses in the High-Intensity Marine (HI-M) Environment, first priority should be given to water-dependent uses. Second priority should be
given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except for 1) as part of mixed-use developments that combine water-dependent and non-water-oriented uses such as a multi-use marina, or 2) existing developed areas supporting water-dependent uses. Non-water-oriented uses may also be allowed on sites where there is no direct access to the shoreline.

2. New development and redevelopment should include ecological restoration, including low impact development techniques and environmental cleanup of the shoreline, in accordance with state and federal requirements and the restoration plan accompanying this SMP.

3. Visual and physical public access should be required as provided for in SMP Chapter 3, Section 8 – Public Access. The U.S. Coast Guard base is exempt from this requirement.

4. Sign control regulations, appropriate development siting and screening, building bulk and height restrictions, and maintenance of visual buffers should be considered with development or redevelopment to improve the aesthetic quality of the shoreline and protect views from public properties and residences.

5. Public access should include identified points and routes for pedestrians, bicycles, and vehicles.

6. Redevelopment including ecological restoration of substandard and degraded urban shoreline areas and removal of obsolete structures is encouraged. Such redevelopment should consider accommodation of future water-oriented uses.

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

d. Environment-Specific Development Regulations

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

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

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

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

i. **Segment E**

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

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

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

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

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**Figure 5. Segment E:** For Detailed Map and Description CLICK HERE or See Appendix A.
ii. Segment J

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

Figure 6. Segment J: For Detailed Map and Description CLICK HERE or See Appendix A.

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

a. Purpose

The purpose of the High-Intensity Urban Uplands (HI-UU) Environment is to manage uses on sites within shoreline jurisdiction that are physically and functionally separated from the shoreline by a public right-of-way or public sterile. Areas separated from the residential are not included in this designation.
b. Designation Criteria
A High-Intensity Urban Uplands Environment designation will be assigned to shorelands featuring or planned for a variety of uses that are physically and functionally separated from the shoreline by a public right-of-way or public property. Public streets or portions of the streets separating the environment designations are included in the HI-UU Environment as described below. The HI-UU designation is a parallel designation that has no physical connection to the water.

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

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

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

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

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

3. Comfortable and attractive pedestrian, bicycle, and vehicular routes should be provided through shorelands with this designation to public access points by utilizing measures such as street and pathway improvements. Development should improve the aesthetic qualities of shorelands in this environment and consider views from public properties and adjacent residences.

d. Environment-Specific Development Regulations

<table>
<thead>
<tr>
<th></th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment K</td>
<td>N/A</td>
<td>N/A from the OHWM (see zoning code)</td>
<td>30 feet</td>
</tr>
<tr>
<td>Segment M</td>
<td>N/A</td>
<td>N/A from the OHWM (see zoning code)</td>
<td>35 feet</td>
</tr>
<tr>
<td>Segment N</td>
<td>50 foot marine bluff buffer</td>
<td>15 feet from the landward edge of the 50 foot marine bluff buffer</td>
<td>35 feet</td>
</tr>
</tbody>
</table>
Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA’s are typically measured from the shoreline in a width landward of and perpendicular to the OHWM; however, because the HI-UU shorelands are physically separated from the water, VCA’s are measured differently.

Viewing towers or other public access points may be allowed on street ends or other publicly owned sites.

i. **Segment K**

In Segment K, new development and redevelopment shall maintain the City sidewalk with street trees along Marine Drive.

![Segment K Map](image)

*Figure 7. Segment K: For Detailed Map and Description CLICK HERE or See Appendix A.*
ii. Segment M

Figure 8. Segment M: For Detailed Map and Description CLICK HERE or See Appendix A.

iii. Segment N

The VCA in segment N reflects the 50-foot marine bluff setback required by the critical areas provisions in Chapter 3.

Figure 9. Segment N: For Detailed Map and Description CLICK HERE or See Appendix A.
4. High-Intensity Mixed-Use (HI-MU) Environment (Segments L, M and O)

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

b. Designation Criteria
A High-Intensity Mixed-Use Environment designation will be assigned to shorelands on Port Angeles’s downtown waterfront and the ʔiʔinəs “Ennis Creek” also known as the former Rayonier Mill site that have the potential to support a variety of water-oriented uses related to commerce, transportation, navigation, and recreation.

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

d. Environment-Specific Development Regulations

<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment L</td>
<td>N/A</td>
<td>N/A</td>
<td>45 feet</td>
</tr>
<tr>
<td>Segment O</td>
<td>100 feet</td>
<td>100 feet</td>
<td>45 feet</td>
</tr>
</tbody>
</table>
Vegetation conservation areas (VCA) are areas along the shoreline in which vegetation contributing to the ecological function of shoreline areas is protected and/or restored. VCA's are measured from the shoreline in a width landward of and perpendicular to the OHWM.

i. Segments L & M

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

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

i. Decreasing the area of upper stories commensurate with increasing height.

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

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

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

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

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

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

Throughout this SMP update process and during previous planning for the Ḩʔîn̓əs “Ennis Creek” also known as the former Rayonier Mill Site, the public has consistently indicated that the future of this parcel is a particularly important shoreline management issue because it provides a unique opportunity for a variety of shoreline uses. The Rayonier mill was abandoned in 1997. Prior to Rayonier, the site was a federal army spruce mill, and the Puget Sound Cooperative Colony. This SMP refers to the site as “ʔʔîn̓əs” as opposed to Rayonier site recognizes the long use of the site by the Klallam people as well as the Klallam people’s continued
interest in good stewardship of the land at Ennis Creek, “ʔiʔinəs” is the Klallam word for Ennis Creek (pronounced “e-Enus.”

As of the date of this SMP’s adoption, there are a number of uncertainties regarding the future of the site. SMP provisions must be flexible to accommodate a wide array of possibilities while implementing objectives of the Shoreline Management Act. However, specific standards are necessary for the purposes of evaluating cumulative impacts and determining when a shoreline variance is triggered.

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

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

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

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

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

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

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

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

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

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

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

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

c. Management Policies
   1. Uses in the Urban Conservancy-Low Intensity Environment should be limited to those which do not substantially degrade ecological functions or the natural character of the shoreline area. Development and uses that would substantially degrade or permanently deplete habitat or the physical or biological resources of the area should not be allowed.
   2. Rehabilitation of existing degraded shoreline conditions, including habitat enhancement and environmental clean-up, is a preferred action.
3. Activities or uses that include significant shoreline vegetation removal, would cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should not be allowed.

d. Environment-Specific Development Regulations

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

i. Segment A

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

Figure 13. Segment A: For Detailed Map and Description CLICK HERE or See Appendix A.

ii. Segment G

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

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

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

c. Management Policies
1. Water-oriented recreational uses, public access and cultural or educational uses are preferred over non-water oriented uses. Water-dependent recreational uses should be given highest priority.

2. Commercial activities specifically supporting or catering to the public’s use or enjoyment of publicly accessible shorelines, such as food and beverage or boating concessions, may be allowed.

3. Water-dependent and water-enjoyment recreation facilities compatible with the protection of ecological functions, such as boating facilities, angling, wildlife viewing, trails and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
4. During development and redevelopment, efforts should be taken to restore ecological functions.

5. The continuity of trail systems, including the Olympic Discovery/Waterfront Trail, should be maintained. Improvements that provide greater access and safety along the trail system are encouraged.

### d. Environment-Specific Development Regulations Designated UC-R

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

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

### i. Segment D

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

In the portion of this segment facing the Port Angeles Harbor, the City anticipates widening Ediz Hook Road to the south to facilitate trail improvements or public access. The VCA extends from the OHWM to the waterward extent of any structural road foundation necessary to widen the road.
The preference for public access improvements in this segment is a continuous pedestrian and bicycle trail along the south edge of Ediz Hook Road. The safety of both bicyclists and pedestrians must be addressed in the design of the trail.

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

Overwater structures are prohibited in this segment.

Figure 15. **Segment D**: For Detailed Map and Description CLICK HERE or See Appendix A.

### ii. Segment F

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

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

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

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

iv. Segment M

Figure 16. **Segment F.** [For Detailed Map and Description of Location CLICK HERE or see Appendix A.]

Figure 17. **Segment K:** [For Detailed Map and Description of Location CLICK HERE or see Appendix A.]
As outlined above, a VCA has not been applied along Segment M. Segment M primarily consists of a narrow stretch of shoreline containing the Olympic Discovery Trail where little to no vegetation exists and the shoreline is heavily armored. There is no setback in this segment because the trail encompasses the entire portion of the segment with this designation, and no new structures are allowed.

![Figure 18. Segment M: For Detailed Map and Description of Location CLICK HERE or see Appendix A.](image)

v. Segment N

In segment N, the VCA extends from the OHWM to the top of the marine bluff. New structures are limited to Francis Street Park only. The Olympic Discovery/Waterfront Trail must be maintained in these segments.

![Figure 19. Segment N: For Detailed Map and Description of Location CLICK HERE or see Appendix A.](image)
vi. **Segment P**

As depicted in Figure 20, only a small western portion of this segment is located within City limits, the eastern portion is located in the UGA. In segment P, the VCA extends from the OHWM to the top of the marine bluff. Adjacent to the Lee’s Creek subreach where there is no bluff, the VCA extends to the landward boundary of any landslide hazard areas. New structures are prohibited in the UC-R designated portion of Segment P.

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

---

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

a. **Purpose**

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

b. **Designation Criteria**

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

1. Development standards in the Shoreline Residential Environment should protect shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

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

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

d. Environment-Specific Development Regulations

<table>
<thead>
<tr>
<th>Segment</th>
<th>Vegetation Conservation Area</th>
<th>Structure Setbacks (from the OHWM)</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Marine bluff plus 50 feet landward from the top of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer/VCA</td>
<td>35 feet</td>
</tr>
<tr>
<td>F</td>
<td>50 feet landward from the top of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer</td>
<td>35 feet</td>
</tr>
<tr>
<td>N</td>
<td>50 feet landward from the top of the bluff</td>
<td>15 feet from the landward edge of the marine bluff buffer</td>
<td>35 feet</td>
</tr>
<tr>
<td>P</td>
<td>50 feet landward from the top of the bluff&lt;br&gt;In the Lee’s Creek subreach, any landslide hazard area</td>
<td>15 feet from the landward edge of the marine bluff buffer (or landslide hazard area in the Lee’s Creek subreach)</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

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

i. Segments B and F

New development shall be setback from the top of the marine bluff by a minimum of 65 feet (50-foot marine bluff buffer plus 15 feet). See Chapter 3 for additional critical area provisions.
Public access viewing areas may be developed in unopened street ends. Development that provides access to the shoreline from bluff-top properties in this segment is prohibited.

Figure 21. **Segment B**: For Detailed Map and Description of Location CLICK HERE or see Appendix A.

Figure 22. **Segment F**: For Detailed Map and Description of Location CLICK HERE or see Appendix A.

### ii. Segment N

New development shall be setback from the top of the marine bluff by a minimum of 65 feet (50-foot marine bluff buffer plus 15 feet).
Public access viewing areas may be developed in unopened street ends. The Olympic Discovery/Waterfront trail shall be maintained along the shoreline in the parallel UC-R designation.

Figure 23. **Segment N:** For Detailed Map and Description of Location CLICK HERE or see Appendix A.

### iii. Segment P

As depicted in Figures 24 and 25, this segment is located in the UGA. As outlined above, the SR designation occurs on shorelands upland of the UC-R designation in segment P. The SR designation begins at the top of the marine bluff; because the Lee’s Creek subreach is a delta and lacks a true marine bluff, the SR designation begins at the waterward lot lines of the subject parcels. In accordance with critical area provisions in Chapter 3, the VCA in these areas reflects the required marine bluff buffer, or the landslide hazard area in the Lee’s Creek subreach.

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

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

a. Purpose

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

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

c. **Management Policies**

1. New overwater structures should be prohibited except for water-dependent uses, public access, or ecological restoration, unless otherwise specified for a particular segment of adjacent shorelands.

2. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use. Overwater structures should be configured and located so as to avoid and reduce impacts to ecological functions or critical saltwater habitats.

3. Provisions for the Aquatic-Harbor Environment should be directed toward accommodating appropriate water-dependent uses while maintaining ecological functions and restoring habitat for priority aquatic species.

4. All development in the Aquatic-Harbor Environment should be located and designed to minimize interference with surface navigation, minimize impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

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

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

7. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with the provisions of this program.

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

9. **Aquatic-Conservancy (A-C) Environment**

a. **Purpose**

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

b. **Designation Criteria**

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

c. Management Policies

1. Except for special situations involving a public benefit and water-dependent activities associated with the U.S. Coast Guard base on Ediz Hook, overwater structures should not be allowed.

2. Diverse public access opportunities to water bodies should be encouraged provided they are compatible with protection of the shoreline ecology.

3. In appropriate areas, fishing and recreational uses of the water should be protected from competing water dependent uses that would interfere with these activities.

4. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish and animals, particularly those whose life cycles are dependent on migration.

5. Development of underwater pipelines and cables should not be allowed except when upland alternatives do not exist. When permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment.

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

Figure 26. Aquatic Conservancy and Aquatic Harbor Environments. The Aquatic Conservancy environment extends north to the International Border.
C. Shoreline Use and Modification Matrices

1. Shoreline Use Matrix

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

Table 1. Shoreline Use Matrix

<table>
<thead>
<tr>
<th>SHORELINE USE</th>
<th>High-Intensity-Industrial</th>
<th>High-Intensity-Marine</th>
<th>High-Intensity-Urban Uplands</th>
<th>High-Intensity-Mixed-Use</th>
<th>Urban Conservancy-Low Intensity</th>
<th>Urban Conservancy-Reduction Recreational</th>
<th>Shoreline Residential</th>
<th>Aquatic-Harbor</th>
<th>Aquatic-Conservancy</th>
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<tr>
<td>Agriculture</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Mining</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Forest practices (Not including log rafting)</td>
<td>X&lt;sup&gt;12&lt;/sup&gt;</td>
<td>X&lt;sup&gt;12&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>NA</td>
<td>NA</td>
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<td>Aquaculture</td>
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<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Water-dependent</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Water-related, water-enjoyment</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
<td>X</td>
</tr>
<tr>
<td>Non-water-oriented</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
<td>P</td>
<td>P&lt;sup&gt;4&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
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<td>X</td>
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<tr>
<td>Boating facilities (including marinas)&lt;sup&gt;10&lt;/sup&gt;</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<td>Industrial:</td>
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<tr>
<td>Water-dependent</td>
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<td>P</td>
<td>X</td>
<td>C&lt;sup&gt;8&lt;/sup&gt;</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Water-related</td>
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<td>P</td>
<td>P</td>
<td>C&lt;sup&gt;8&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Non-water-oriented</td>
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<td>P&lt;sup&gt;4&lt;/sup&gt;</td>
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<td>X</td>
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<td>P</td>
<td>P</td>
<td>P&lt;sup&gt;9&lt;/sup&gt;</td>
<td>P</td>
<td>P</td>
<td>P&lt;sup&gt;9&lt;/sup&gt;</td>
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<tr>
<td>Solid waste disposal</td>
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<td>X</td>
</tr>
<tr>
<td>Governmental, educational, cultural and institutional facilities&lt;sup&gt;9&lt;/sup&gt;</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P&lt;sup&gt;9&lt;/sup&gt;</td>
<td>P</td>
<td>X</td>
<td>P&lt;sup&gt;9&lt;/sup&gt;</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Government facility – Water-Dependent</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
</tr>
</tbody>
</table>

P = The use may be permitted
C = The use may be permitted as a conditional use
X = The use is prohibited
### SHORELINE USE Matrix Notes:

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

<table>
<thead>
<tr>
<th><strong>Shoreline Use Matrix Notes:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking</strong></td>
</tr>
<tr>
<td>Parking (accessory)</td>
</tr>
<tr>
<td>Parking (primary, including paid)</td>
</tr>
<tr>
<td><strong>Recreation:</strong></td>
</tr>
<tr>
<td>Water-dependent</td>
</tr>
<tr>
<td>Water-enjoyment</td>
</tr>
<tr>
<td>Non-water-oriented</td>
</tr>
<tr>
<td>Public Access</td>
</tr>
<tr>
<td><strong>Residential:</strong></td>
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<tr>
<td>Single-family residential</td>
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<tr>
<td>Multifamily residential</td>
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<tr>
<td>Land subdivision</td>
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<tr>
<td><strong>Signs:</strong></td>
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<tr>
<td>On premises</td>
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<tr>
<td>Off premise</td>
</tr>
<tr>
<td>Public, highway</td>
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<td><strong>Transportation:</strong></td>
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<tr>
<td>Water-dependent</td>
</tr>
<tr>
<td>Non-water-oriented</td>
</tr>
<tr>
<td><strong>Utilities (primary)</strong></td>
</tr>
</tbody>
</table>
1. Only park concessions and recreational uses that enhance the opportunity to enjoy publicly accessible shorelines may be allowed.

2. Parking as a primary use is prohibited within shoreline jurisdiction with the exception of in segment L (see chapter 3, section 7).

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

4. May be allowed only as part of a mixed-use development with water dependent uses, or on a site that is physically separated from the shoreline by another property or public right of way.

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

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

7. Roadways and primary utilities may be allowed only if there is no other feasible alternative, as determined by the Administrator, and all adverse impacts are mitigated per the mitigation sequence detailed in chapter 3, section 1.

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

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

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

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

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

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

14. Over-water or off-premise signs may only authorized if directional, informational or providing a public warning.
2. Shoreline Modification Matrix

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

Table 2. Shoreline Modification Matrix

<table>
<thead>
<tr>
<th>SHORELINE MODIFICATIONS</th>
<th>High-Intensity-Industrial</th>
<th>High-Intensity-Marine</th>
<th>High-Intensity-Urban Uplands</th>
<th>High-Intensity-Mixed-Use</th>
<th>Urban Conservancy-Low Intensity</th>
<th>Urban Conservancy-Recreation</th>
<th>Shoreline Residential</th>
<th>Aquatic-Harbor1</th>
<th>Aquatic-Conservancy1</th>
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<tbody>
<tr>
<td>Bioengineering</td>
<td>P</td>
<td>P</td>
<td>NA</td>
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<td>P</td>
<td>P</td>
<td>P3</td>
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<td>Revetments</td>
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<td>P</td>
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<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P3</td>
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<tr>
<td>Bulkheads</td>
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<td>X</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P3</td>
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<tr>
<td>Breakwaters/jetties/rock weirs/groins</td>
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<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
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<td>Dikes, levees</td>
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<td>C</td>
<td>C</td>
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<td>P</td>
<td>P</td>
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<td>Clearing and Grading</td>
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<td>P</td>
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<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<td>NA</td>
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<td>Dredged material disposal</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C4</td>
<td>C4</td>
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<tr>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>C5</td>
<td>C5</td>
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<td>Piers, docks</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>C</td>
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<td>Moorage piles and mooring buoys</td>
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<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>P2</td>
<td>C2</td>
</tr>
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<td>Outfalls</td>
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<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
</tbody>
</table>

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

4. Previously unauthorized dredging and dredged material disposal may be allowed as part of construction of an approved use within the Aquatic Environments (e.g., buried outfall). Also see Chapter 4, §5, Regulation 4 regarding disposal of dredged materials at open water disposal sites.

5. Fill waterward of the OHWM that is for the purpose of restoring ecological functions or as part of a WDOE-approved environmental clean-up action is a permitted use and does not require a conditional use permit, unless the proposed fill material includes dredge spoils.
Chapter 3 - General Policies and Regulations

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

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

   b. Policies
      
      1. In order to encourage shoreline restoration, the City will implement Washington State House Bill 2199 Chapter 405, 2009 Laws, codified as RCW 90.58.580. The City may grant appropriate relief from SMP provisions to applicable properties all along the City's shorelines provided they meet the conditions of RCW 90.58.580 and WAC 173-27-215 and the policies in this SMP.

      2. In accordance with RCW 90.58.580 and WAC 173-27-215, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Program.

      3. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Shoreline Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted will be strictly in accordance with the limited provisions of RCW 90.58.580 and WAC 173-27-215, including the specific approval of the Department of Ecology.

      4. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access should have priority, unless there is a compelling reason to the contrary.

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

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

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

3. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this SMP.

4. Shoreline uses and modifications listed as "prohibited" shall not be authorized as a shoreline variance or shoreline conditional use permit.

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

6. All shoreline uses and developments shall analyze the environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the Master Program and other applicable regulations. Where required, the City will apply mitigation measures in the following sequence of steps listed in order of priority, with (a) being top priority:
   a. Avoiding the impact altogether by not taking a certain action or parts of an action;
   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   d. Reducing or eliminating the impact over time by preservation and maintenance operations;
   e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
   f. Monitoring the impact and the compensation projects (from subsection e. above) and taking appropriate corrective measures.

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

a. There is an established program to restore ecological functions using those funds;

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

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

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

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

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

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

d. Avoids adverse impacts to public health and safety;

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

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

2. Archaeological and Historical Resources and Sites

   a. Applicability

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

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

   b. Policies

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

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

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

c. Regulations

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

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

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

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

5. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

6. The City may deny a permit based upon archaeological conditions when the City determines that a site has significant archaeological, natural, scientific or historical value. No shoreline permit shall be issued which would pose a threat to a significant archaeological site.
7. In the event that unforeseen factors constituting an emergency as defined in WAC 173-27-040 (2)(d) necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the requirement to obtain a substantial development permit. The City shall notify the State Department of Ecology, the State Attorney General's Office, the State Historic Preservation Office, and the Lower Elwha Klallam Tribe of the exemption in a timely manner.

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

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

3. Critical Areas (General)

a. Applicability

   The following polices and regulations apply to all critical areas in shoreline jurisdiction. Critical areas, as defined in WAC 173-26-020(8), include: wetlands, areas with a critical recharging effect on aquifers used for potable waters, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. All shoreline use and development is subject to these and other applicable provisions of this SMP.

   To protect critical areas, specific portions of Port Angeles Municipal Code (PAMC) Title 15, as of the dated versions indicated below, are hereby included in this SMP as Appendix B.

   - PAMC 15.02 Definitions (Ord. 3179; 12/17/2004);
   - PAMC 15.12 Flood Damage Prevention (Ord. 3238; 3/17/2006);
   - PAMC 15.20 Environmentally Sensitive Areas Protection (Ord. 3570; 12/20/2016); and
   - PAMC 15.24 Wetlands Protection (Ord. 3582; 6/20/2017).

   Appendix B is part of this SMP and approved as part of the SMP approval process. Therefore, inclusion of any future amendments to the above-specified portions of Title 15 into the SMP requires an SMP amendment and Ecology approval.

   Application of Appendix B in shoreline jurisdiction is subject to the exceptions and modifications described below in this Section 3.3 and in Sections 3.4, 3.5, 3.6, 3.12 and 5.8.

   If any Appendix B provisions conflict with other provisions of this SMP, the provision most protective of the shoreline ecological resource and/or that best achieves the policies of the SMA and purpose of this SMP shall prevail.
b. Policies

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

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

3. Provide a level of protection to critical areas within shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

c. Regulations

As established at 3.a above, application of Appendix B to critical areas in shoreline jurisdiction is subject to exceptions and modifications, including the following:

1. Appendix B provisions that are not consistent with the SMA, Chapter 90.58 RCW, and supporting WAC chapters shall not apply in shoreline jurisdiction, including, but not limited to:

   a. Provisions that include a “reasonable use exception”. Such requests shall require a shoreline variance. Shoreline variance procedures and criteria have been established in Chapter 7, Section D of this SMP and in WAC 173-27-170 (4).

   b. Provisions relating to variance procedures and criteria. Such requests shall require a shoreline variance. Shoreline variance procedures and criteria have been established in Chapter 7, Section D of this SMP and in WAC 173-27-170 (4).

   c. Provisions relating to nonconforming activities. Nonconforming use and development provisions have been established in Chapter 7, Section F of this SMP.

2. Appendix B provisions shall not extend the shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing portions of critical areas and buffers that are outside the shoreline jurisdiction, see PAMC Title 15.

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

a. Applicability

For the purposes of this SMP, critical saltwater habitats shall include those defined in WAC 173-26-221 (2)(iii)(A). This includes: Kelp beds, eelgrass beds, fish spawning and holding areas for herring, sand lance and smelt, subsistence, commercial, and recreational shellfish beds, mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary
association. Habitat Areas for Priority Species and Species of Concern are addressed in Section 15.20.070 D of Appendix B. Priority Habitats and Priority Species are defined in chapter 6. Areas containing Priority Habitats and Species have been identified in map series 14 in the Shoreline Inventory, Analysis and Characterization Report, dated June 2012.

b. Policies
1. Protect critical saltwater habitats in recognition of their importance to the marine ecosystem of the City of Port Angeles and the State of Washington.

2. Water-dependent uses, including recreational facilities, marinas, transportation facilities, and some utility crossings may be permitted in critical saltwater habitats, provided that the proposed activity or structure will not result in a net loss of ecological functions or habitat.

3. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, uses and development on shorelands adjacent to aquatic areas where critical saltwater habitats exist should avoid directly or indirectly changing the composition of the beach and bottom substrate. The re-establishment of natural erosion and sediment transport processes should be encouraged.

4. Shoreline uses and development should be located and designed to avoid adverse impacts to critical saltwater habitats.

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

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

c. Regulations
1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, bridges, underwater parks, utility crossings, shoreline modifications, and other human-made structures shall not intrude into or be built or located over critical saltwater habitats, unless the applicant shows that all of the following conditions have been met:
   a. The use preference listing in RCW 90.58.020 for uses in Shorelines of Statewide Significance have been adhered to:
      • Recognize and protect the statewide interest over local interest;
      • Preserve the natural character of the shoreline;
      • Result in long term over short term benefit;
      • Protect the resources and ecology of the shoreline;
      • Increase public access to publicly owned areas of the shorelines;
      • Increase recreational opportunities for the public in the
shoreline;

- Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

b. The public’s need for such a development or use is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020.

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

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

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

2. Except when associated with an authorized use, development, or restoration project aquatic herbicide and pesticide treatments and mechanical removal of vegetation shall not occur in or over critical saltwater habitats.

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

4. New outfalls (including storm water and sewer outfalls) and discharge pipes shall not be located in critical saltwater habitats or in areas where outfall or discharge will adversely affect critical saltwater habitats or water quality unless the applicant can show that all of the following have been met:
   a. There is no alternative location for the outfall or pipe;
   b. The outfall or pipe is placed below the surface of the beach or bed of the water body;
   c. The outfall discharges waterward of the intertidal zone;
   d. The disturbed area will be revegetated with site appropriate plants;
   e. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients in the discharge and currents, do not adversely affect critical saltwater habitats and water quality.

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

6. As established at 3.a above, Habitat Areas, Priority Species and Species of Concern shall be protected in accordance with Section 15.20.070 D of
Appendix B. Studies, reports and/or habitat management plans as required by that section may also address the critical saltwater habitat provisions outlined above, where the two critical areas overlap or exist concurrently. Where these areas overlap with vegetation conservation areas as identified in chapter 2 and described in section 12 of this chapter, required plans or studies may be combined as long as all provisions required by both sections are addressed.

5. Critical Areas (Geologically Hazardous Areas)

a. Applicability

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

More severe hazard areas are not suitable for placing structures or locating activities or uses due to the inherent threat to public health and safety. Vegetation removal from sites with or adjacent to unstable slopes alters surface runoff and groundwater infiltration patterns, which can lead to increased slope instability.

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

b. Policies

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

2. Permit development where no slope protection (e.g., bulkheads, riprap, retaining walls, etc.) is necessary and where nonstructural protection (e.g., shoreline setbacks) will be sufficient for the life of the structure (at least 75 years).

c. Regulations

As established at 3.a above, regulations for geologically hazardous areas are set forth in Chapter 15.20 of Appendix B. Note that in addition to the setbacks from hazard areas applied therein, vegetation conservation within these areas shall be required by as outlined in Section 12 of this Chapter.

Additional standards for marine bluffs are presented below.

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

2. Proposals requiring a variance for development within 65 feet of the top of a marine bluff as outlined above shall be required to submit a geotechnical engineering report, prepared in accordance with the requirements of this SMP.

The geotechnical engineering report shall:

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

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

4. See Chapter 4 for provisions relating to shoreline stabilization measures.

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

6. Critical Areas (Wetlands)

a. Applicability

As established at 3.a above, wetlands in shoreline jurisdiction shall be protected in accordance with Chapter 15.24 of Appendix B. Modifications to Chapter 15.24 of Appendix B as it will be applied in shoreline jurisdiction are outlined below.

b. Policies

1. Wetlands should be protected from alterations to ensure there is no net loss of wetland acreage and functions. The greatest protection should be provided to wetlands of exceptional resource value, defined as those wetlands that include rare, sensitive or irreplaceable systems such as:
   a. Documented or potential habitat for an endangered, threatened or sensitive species;
   b. High-quality native wetland systems;
   c. Significant habitat for fish or aquatic species as determined by the appropriate state resource agency;
   d. Diverse wetlands exhibiting a high mixture of wetland classes (Cowardin and/or hydrogeomorphic) and subclasses;
   e. Mature forested wetland communities;
   f. Estuarine wetlands, kelp beds or eelgrass beds.

2. Wetland buffers should be maintained between a wetland and any adjacent development to protect the functions and values of the wetland.

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

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

c. Regulations

1. General

   a. 15.24.020.M – The definition of hydric soils shall not apply. The definition of hydric soil shall be derived from the approved federal wetland delineation manual and applicable regional supplements.
   b. 15.24.020.Q – The definition of “low-intensity land use” shall not apply.

c. 15.24.020.Z – The definition of regulated wetlands shall exclude the statement “Regulated wetlands do not include Category II and III wetlands less than 2,500 square feet and Category IV wetlands less than 10,000 square feet.” In shoreline jurisdiction, all wetlands shall be regulated regardless of size.

d. 15.24.040.C – Wetland delineations are valid for five years unless the wetland is known to have changed significantly since the last delineation was done.

e. 15.24.040.D – The City shall rely on the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029), or as amended. The wetland rating system determines wetland categories. The information from a wetland rating is used to determine required buffer widths and replacement ratios. Wetland ratings using the system outlined above shall result in wetland categories as outlined below, instead of those categories found in 15.24.040.D.1 of Appendix B.

i. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; and (6) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

ii. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

iii. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

iv. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed.
These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

f. 15.24.045 – Wetland functional assessment does not apply in shoreline jurisdiction.

g. 15.24.060.C.3 – For Category 1 and 2 wetlands, the applicant shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.

2. Wetland Buffers

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

i. Activities outlined in 15.24.050.B, when in accordance with all applicable provisions of this SMP.

ii. Trails and trail-related facilities outlined in Section 15.24.050.A.11, provided the facilities comply with the mitigation sequencing requirements of this SMP and result in no net loss of shoreline ecological functions.

b. 15.24.070.C.3 – Buffer width reductions shall not be used together with buffer averaging.

c. 15.24.070.C.4.e – Standard wetland buffer width averaging shall be limited to a reduction not to exceed 25% of the standard buffer width.

d. 15.24.070.C.7.a – Allowance for single-family residential lawns, landscaping, orchards, gardens and fences in the buffer shall not apply in shoreline jurisdiction.

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

3. Mitigation and Development


i. In shoreline jurisdiction, wetlands shall be replaced at the ratios (acreage replaced to acreage lost) shown below in Table 3.
<table>
<thead>
<tr>
<th>Category and Type of Wetland</th>
<th>Creation or Re-establishment</th>
<th>Rehabilitation</th>
<th>Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I: Bog, Natural Heritage site</td>
<td>Not considered possible</td>
<td>Case by case</td>
<td>Case by case</td>
</tr>
<tr>
<td>Category I: Mature Forested</td>
<td>6:1</td>
<td>12:1</td>
<td>24:1</td>
</tr>
<tr>
<td>Category I: Based on functions</td>
<td>4:1</td>
<td>8:1</td>
<td>16:1</td>
</tr>
<tr>
<td>Category II</td>
<td>3:1</td>
<td>6:1</td>
<td>12:1</td>
</tr>
<tr>
<td>Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>8:1</td>
</tr>
<tr>
<td>Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>6:1</td>
</tr>
</tbody>
</table>

ii. Impacts to wetland buffers shall be mitigated at a ratio of 1:1.

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

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

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

d. 15.24.070.H.8.e – Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. If the mitigation goals are not obtained within the initial monitoring period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved. For a five-year program, a monitoring report shall be produced annually; for a ten-year program a monitoring report shall be produced in years 1, 2, 3, 5, 7, and 10.
7. Parking

a. Applicability

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

b. Policies

1. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).
2. Parking facilities in shorelines are not a preferred use and unless otherwise outlined below, should be located outside of shoreline jurisdiction.
3. “Low impact development” techniques, such as permeable pavements, appropriate landscaping and on-site infiltration areas are encouraged to reduce the impacts of parking facilities.

c. Regulations

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

8. Public Access

a. Applicability

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

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

b. Policies

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

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

3. In all project proposals, public access should be provided as close as possible to the water's edge without causing significant ecological impacts. All public access should be designed in accordance with the Americans with Disabilities Act.

4. Opportunities for public access should be identified on publicly owned shoreline properties. Public access opportunities afforded by shoreline street ends, public utilities and rights-of-way should be preserved.

5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy.

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

7. Publicly funded public access projects should include interpretive displays.

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

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

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

11. Where feasible, providers of shoreline public access should consider:
a. Locate and design public access improvements in a manner that is compatible with the shoreline character and avoids adverse impacts to shoreline ecological processes and functions; and

b. Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and

c. Provide maps, signage, and orientation information to inform the public of the presence and location of privately held shorelands, especially those adjacent to public access and recreational areas; and

d. Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.

c. Regulations

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

2. Public access is not required as part of development if any of the following conditions apply:
   a. The development is a single-family residence not part of a development planned for more than four parcels or the development is accessory to a single-family residence.
   b. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security, or impact to the shoreline environment. In those instances, alternative means of providing public access shall be proposed.
   c. Where constitutional or legal limitations apply.
Where on-site public access is not required because of above condition b, the City shall consider alternate methods of providing public access such as offsite improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

3. Required public access shall be conditioned in the applicable shoreline permit so as to describe the impact necessitating access and how the required public access condition(s) address such impact. Public access areas or facilities shall comply with the mitigation sequence in section 1 of this Chapter.

4. Shoreline developments (including land division into more than four lots and PRDs) shall minimize adverse impacts to public views of shorelines from public land or substantial numbers of residences.

5. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not diminish. Street ends and rights of way shall only be vacated in accordance with the requirements of RCW 35.79.035.

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

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

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

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

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

11. Signs that indicate the public’s right of access and hours of access shall be installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access per conditions of permit approval.

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

13. Except where precluded by specific provisions elsewhere in this SMP, public access facilities may be developed over water provided that all significant ecological impacts are mitigated to achieve no net loss of ecological functions.
14. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality.

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

9. Shorelines of Statewide Significance

a. Applicability

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

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

b. Policies

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

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

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

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

4. Protect the resources and ecology of the shoreline.
   a. All shoreline uses and development should be managed to ensure no net loss of ecological functions and should avoid disturbance of wildlife resources, including spawning, nesting, rearing and feeding habitats and migratory routes.
   b. Protect and enhance natural erosion and sediment transport processes.
   c. Take steps to remove from the harbor area contaminated sediments and other artificially placed materials, such as wood waste, abandoned structures, etc.
   d. Manage the water area for maximum benefit and environmental quality.
   e. Protect and restore estuarine and riparian habitats, especially at Ennis Creek.
      f. Implement the recommendations of the Shoreline Restoration Plan for the City of Port Angeles’ Shoreline: Strait of Juan de Fuca (‘Shoreline Restoration Plan’; June 2011).

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

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

a. Applicability

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

b. Policies

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

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

c. Regulations

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

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

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

5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.

6. Temporary or obsolete signs shall be removed within 10 days of the termination of the function, closures of business, or completion of elections. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.

11. Utilities (Accessory)

   a. Applicability

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

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

   b. Policies

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

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

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

   c. Regulations

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

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

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

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

a. Applicability

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

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

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

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

Environmentally sensitive area buffers are similar to vegetation conservation areas in that they are intended to protect ecological functions. Buffers are intended to remain undisturbed and are typically treated as ‘no touch’ areas. For environmentally sensitive areas in shoreline jurisdiction, this intent must be balanced with the policy goals of the Shoreline Management Act giving preference for a shoreline location to water-oriented uses, activities and public

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

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

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

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

Tree pruning, not including tree topping, where it does not affect ecological functions and meets accepted industry standards, does not constitute significant vegetation removal.
access. Not all of Port Angeles’ shoreline areas are considered environmentally sensitive areas; where environmentally sensitive as defined in chapter 6 exist in shoreline jurisdiction, the buffer has often also been designated as a VCA. In some shoreline segments, no environmentally sensitive areas exist; in these cases there may not be a buffer but there may be a VCA.

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

b. Policies

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

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

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

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

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

c. Regulations

1. Within VCAs, all native trees over six inches in diameter at four feet above average grade shall be retained. Snags and living trees shall not be removed within the required VCA unless a Certified Arborist determines them to be hazards or unless removed in accordance with regulation 6 below. Snags and living trees within the VCA which do not present a hazard shall be retained. Vegetation removal for views within VCAs that overlap marine bluffs and/or marine bluff buffers shall be prohibited when such removal has the potential to exacerbate erosion. Vegetation removal in these VCAs shall be authorized in accordance with Chapter 3 critical area standards, and shall include mitigation. Tree topping is prohibited.
2. Within VCAs, native understory vegetation (shrub and herbaceous layers) shall remain intact. Exceptions are outlined in regulation 6 below.

3. Removal of invasive plant species shall be restricted to hand removal except where no reasonable alternative to herbicides exist, and weed control is demonstrated to be in the public interest. All removed plant material shall be either 1) taken away from the site and properly discarded or 2) when feasible and appropriate, composted in place. Revegetation with appropriate native species is required in conjunction with such removal. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.

4. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant shall demonstrate that any VCA as required in chapter 2 will be preserved and that all construction can occur outside of and without any impacts to such areas. Exceptions may be granted for activities outlined in regulation 6 below.

5. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a vegetation conservation area may be maintained in their existing conditions, including but not limited to mowing lawns, weeding, harvesting and replanting garden crops, and pruning and replacing ornamental trees or vegetation. Such areas may be maintained in the condition and appearance as they currently exist, provided this does not apply to areas previously established as mitigation sites or areas protected by conservation easements or similar restrictive covenants.

6. The following uses or activities may be allowed in VCAs and setbacks as established in chapter 2 without a shoreline variance, provided such uses are designed, located, constructed and maintained in a manner that avoids and minimizes impacts to vegetation and achieves no net loss of shoreline ecological functions.
   a. Uses and activities allowed in sections 15.20.080 (D) and 15.24.050 (B) of Appendix B, when also allowed in the applicable shoreline environment.
   b. Public and pedestrian trails, pathways and boardwalks, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water oriented recreational or public access uses/developments.
   c. Authorized shoreline modifications, including shoreline restoration.
   d. Allowed water-dependent uses in all shoreline environments.

Note that provisions in chapter 2 may expressly prohibit or limit the type or location of encroachments into the VCA in specific shoreline segments or environment designations. For example, in the HI-UU designation, viewing towers or other public access points are only allowed on street ends or other publicly owned sites. In segment O, encroachment into the VCA along tidally influenced portions of Ennis Creek is only allowed for public access or ecological restoration. Please see chapter 2 for a full list of these limitations.
7. As a requirement of encroachment into the VCA or impacts to shoreline vegetation where there is no VCA for the activities authorized in regulation 6 above, mitigation in the form of vegetative restoration within the VCA may be required. If the use or development is within a shoreline segment that has not been assigned a VCA in chapter 2 of this SMP, mitigation shall be in the form of either vegetating some portion of the project site where equal functions can be provided, or mitigating in focus areas as identified for each shoreline segment in chapter 2. Mitigation shall be provided in an area that can be planted so as to be functionally equivalent to the area impacted, and at no less than a 1 to 1 ratio (area replaced to area lost).

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

9. Non water oriented uses or development authorized within shoreline jurisdiction (only allowed as part of mixed use developments with water dependent uses or in existing developed areas in support of water dependent uses; see table 1 and chapter 5) shall provide mitigation as outlined in Chapter 5, section 4. Required mitigation shall follow the same location procedure as is outlined in regulation 7 above.

10. Proposed uses or development including vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of the application package, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading and vegetation removal. The plan and application shall include all information required by other applicable sections of the PAMC, and at a minimum must demonstrate:
   
   a. Compliance with the mitigation sequence specific to proposed vegetation removal,

   b. That clearing or grading and vegetation removal are the minimum necessary to accommodate the proposed use,

   c. The ecological functions being provided by the shoreline vegetation proposed for removal; and

   d. How erosion will be controlled during construction.

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

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

a. Plant list and planting scheme, including a mixture of native trees, shrubs and groundcovers designed to improve shoreline ecological functions;

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

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

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

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

13. Water Quality and Quantity

a. Applicability

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

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

b. Policies

1. In conjunction with applicable agencies, the City will continue to take action to improve water quality in the Port Angeles Harbor by:

a. Improving treatment of sewer overflows and faulty septic systems.

b. Aggressively pursuing storm water quality measures, both within and outside shoreline jurisdiction.

c. Other actions recommended in the Restoration Plan developed in conjunction with this SMP.

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

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

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

c. Regulations

1. All shoreline uses and development, both during and after construction, shall avoid or minimize adverse water quality impacts.

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

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

4. All shoreline use and development activities approved under this SMP shall be designed and maintained consistent with the City’s Storm Water Management Plan and Engineering Design Standards.
Chapter 4 - Shoreline Modification Provisions

A. Introduction and Applicability

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

Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (shoreline use) (WAC 173-26-231(1)).

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

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

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

Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed, or any
permit which would have been required, absent an emergency, pursuant to chapter 90.58
RCW, WAC 173-27, or this Master Program shall be obtained. All emergency
construction shall be consistent with the policies of chapter 90.58 RCW and this master
program. As a general matter, flooding or other seasonal events that can be anticipated
and may occur but that are not imminent are not an emergency (WAC 173- 27-040(2)(d)).

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

B. Policies and Regulations

1. General Policies and Regulations

   a. Applicability

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

   b. Policies

      1. Structural shoreline modifications should be allowed only where they
         are demonstrated to be necessary:
         a. To support or protect an allowed primary structure or a legally
            existing shoreline use that is in danger of loss or substantial
            damage, or;
         b. For reconfiguration of the shoreline for mitigation or enhancement
            purposes.

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

      3. The City should take steps to assure that shoreline modifications
         individually and cumulatively do not result in a net loss of ecological
         functions. This is to be achieved by:
         a. Preventing unnecessary shoreline modifications;
         b. Giving preference to those types of shoreline modifications that
            have a lesser impact on ecological functions; and
         c. Requiring mitigation of identified impacts resulting from shoreline
            modifications.

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

      5. Where ecological functions have been impaired, the City should plan
         for the enhancement of the impaired functions where feasible and
         appropriate while accommodating permitted uses (WAC 173-26-
As shoreline modifications occur, the City will incorporate all feasible measures to protect shoreline ecological functions and ecosystem-wide processes.

6. In reviewing shoreline permit applications, the City should require steps to reduce significant ecological impacts by following the mitigation sequence in Chapter 3, Section 1.

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

c. Regulations

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

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

3. Structural shoreline modifications may be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible.

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

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

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

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

Permitting Requirements

8. In addition to the application information required by chapter 7, the City shall require and consider the following information when reviewing shoreline modification proposals:

a. Construction materials and methods.

b. Project location relative to the top and toe of bluffs or steep slopes, if applicable (note that this is especially important for residential properties situated near steep bluffs or other geologically hazardous areas).
c. For marine waters, the ordinary high water mark, mean higher high, and extreme high water levels (highest recorded level or the 100-year flood elevation).

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

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

f. Profile rendition of beach and uplands.

g. Beach slope and material.

h. Uplands slope and material.

i. Soil types (Soil Conservation Service).

j. Physical or geologic stability of uplands.

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

2. Shoreline Stabilization

a. Applicability

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

- Structural measures include constructed elements and systems such as bulkheads, revetments, seawalls (hard measures), and bioengineering measures (soft measures).

- Nonstructural methods include appropriate building setbacks, relocation of the structure to be protected, and the use of planning, management, and regulatory measures intended to control erosion, stormwater and ground water impacts.

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

Shoreline stabilization can include:

1. Bulkheads and vertical seawalls.

2. Revetments, breakwaters, rock weirs, and groins made of large boulders (rip-rap).

3. Revetments, breakwaters, rock weirs, and groins in which the rock structures have been enhanced with special sediment, large wood or other means to increase desirable ecological functions.

4. Placement of large woody debris or other natural materials.

5. Beach enhancement.

b. Policies

1. Non-structural stabilization measures are preferred over structural measures. Structural shoreline stabilization measures with less adverse impact on natural functions, such as bioengineering, are strongly preferred over hard structural shoreline stabilization measures, such as seawalls and bulkheads. Proposals for structural solutions should be allowed only when it is demonstrated that nonstructural methods are not feasible.

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

3. The city should give preference to shoreline stabilization measures having the least impact on ecological functions and should require mitigation for of identified any adverse impacts to ecological functions.

c. Regulations

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

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

3. Structural shoreline stabilization for new non-water-dependent development, including single-family residences, shall be allowed only when all of the conditions below are met:
   a. The need to protect the development from damage due to erosion caused by natural processes, such as tidal action, currents and waves, is demonstrated through a geotechnical report;
   b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage;
   c. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, including low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient; and
   d. The development and shoreline stabilization measures will not result in a net loss of shoreline ecological functions.

4. Structural shoreline stabilization for water-dependent development shall meet all of the conditions in regulation 3 above, except that erosion does not have to be caused by natural processes such as tidal action, currents and waves.
5. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis completed by a licensed geotechnical engineer in good standing in the State of Washington. Setbacks shall not be less than those required in Chapter 2 without a variance (see exceptions in chapter 3, section 12).

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

7. New structural shoreline stabilization measures to protect restoration or hazardous substance remediation projects may be authorized when non-structural methods, such as planting vegetation or installing onsite drainage improvements, are not feasible or not sufficient. Such stabilization structures shall not result in a net loss of shoreline ecological functions.

8. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect existing primary structures or principle uses from erosion caused by currents, tidal action, or waves. The replacement structure shall be designed, located, sized and constructed to assure no net loss of shoreline ecological functions. A geotechnical report shall be required to demonstrate need, except that primary structures or principal uses located within 20 feet of the OHWM do not require a geotechnical report to demonstrate need.

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

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

11. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing
structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

12. Hard structural shoreline stabilization shall not be authorized except when the geotechnical report confirms that there is a significant possibility that the primary structure or principal use will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring, or when waiting until the need is immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

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

14. Soft shoreline stabilization measures that restore ecological functions (such as, in some instances, beach enhancement, placement of large wood, and vegetation enhancement) may be permitted waterward of the OHWM.

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

Design of Shoreline Stabilization

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

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

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

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

i. Naturally occurring materials such as logs with root wads;
ii. Large stones, ideally with vegetation or habitat enhancement in the gaps between the stones;
iii. Milled timbers. Note the prohibition against toxic wood treatments;
iv. Mixtures of rock and wood;

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

i. Degradable plastics and other nonpermanent synthetic materials.
ii. Sheet materials, including metal, plywood, fiberglass, or plastic (excluding sheet piling approved by the Shoreline Administrator).
iii. Broken concrete, asphalt, or rubble.
iv. Car bodies, tires or discarded equipment.

c. Materials and construction methods shall employ best management practices established to mimic or maintain natural sediment transport and accretion patterns.

**Bulkheads**

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

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

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

23. Backfill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any backfill in excess of this amount shall be considered fill and shall be subject to the provisions of section 4 in this chapter.

24. Bulkheads are prohibited when their primary purpose is to:

   a. Retain or create dry land (unless this land is fill that has been specifically authorized by permit in accordance with section 4 of this chapter).

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

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

**Breakwaters, Rock Weirs, Jetties, and Groins**

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

27. Breakwaters, jetties, rock weirs, and groins shall be allowed for the following purposes only:
   a. Legal navigation.
   b. Water dependent industrial activities: as an integral component of a harbor, marina, or port.
   c. Ecological restoration.
   d. Public access.

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

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

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

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

**Revetments**

32. New revetments shall be constructed and maintained so as not to reduce water quality or adversely impact fisheries or aquatic habitats.

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

34. Riprap revetments shall:
   a. Consist of quarried rock, free of loose dirt and pollutants, and of sufficient size and weight to prevent movement by wave or current action.
   b. Use downed logs, snags, or rockwork to enhance habitat and to provide a more natural appearance to the shoreline, when feasible.
   c. Include measures to ensure sediment transport along the revetment where determined to be feasible and beneficial.
   d. Where on-site environmental conditions allow, integrate vegetation into the riprap design to reduce erosion; provide cover, shade, and habitat; and improve the natural appearance of the shoreline.
35. Revetment shall be sited and designed in accordance with appropriate engineering principles, including guidelines from the U.S. Soil Conservation Service and the U.S. Army Corps of Engineers.

Bioengineering

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

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

38. The City may require and utilize the following information, in addition to the standard permit information required in chapter 7, in its review of all bioengineering projects:

a. Proposed construction timing and phasing.

b. Hydrologic analysis, including predicted flood flows.

c. Site vegetation, soil types, and slope stability analysis.

d. Proposed project materials, including rock size, shape, and quantity; plant types and quantities, and soil preparations.

e. Existing and proposed slope profiles, including location of ordinary high water mark.

f. Proposed design for transition areas between the project site and adjacent properties.

g. Documentation, including photos, of existing (pre-construction) shoreline characteristics.

3. Overwater Structures

a. Applicability

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

b. Policies

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

2. Overwater structures should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.
3. Overwater structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.

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

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

6. Overwater structures should allow for maximum littoral drift and should minimize interference with basic hydrological and geological-hydraulic processes.

7. Recreational piers are encouraged to provide for public docking, launching, and recreational access.

8. Moorage serving upland single-family residences should not be allowed.

9. Multiple uses of overwater structures should be encouraged.

c. Regulations

General Regulations for Private and Public Over-water Structures

1. See section 4 in chapter 3 for restrictions on overwater structures in critical saltwater habitat areas. Chapter 2 also contains restrictions on overwater structures in specific shoreline segments.

2. New and expanded overwater structures shall only be allowed in support of an allowed water-dependent use, public access use, or ecological restoration. New and expanded overwater structures must comply with all other applicable regulations as stipulated by State and Federal agencies. New piers or docks shall only be permitted when the applicant has demonstrated that a specific need exists.

3. All moorage and other overwater structures shall be designed and located in a manner that avoids or minimizes:
   a. Hazards and obstructions to navigation, fishing, swimming, and pleasure boating;
   b. Shading of beach substrates; and
   c. Impediments to longshore sediment transport and/or movement of aquatic species.

4. All floats, ells, fingers and similar structures shall be at least 30 feet waterward of the OHWM. To prevent prop scour, mooring areas at docks, marinas, shipyards, and similar facilities must be located where there is at least 7' water depth at extreme low tide or where it can be shown that
prop scour will not adversely impact aquatic vegetation or increase
suspended sediments.

5. The length, width and height of overwater structures shall be no greater
than that required for the safety and practicality of the proposed use. The
length of mooring and similar facilities shall be no longer than that
required for the draft of the largest vessel expected to moor at the facility.
The shoreline administrator shall generally defer to the dimensional
requirements imposed by project-specific permit conditions by the Corps
of Engineers and Washington Department of Fish and Wildlife for new
docks, piers and floats, provided the applicant provides justification that
such requirements are the minimum necessary.

6. No skirting is permitted on any overwater structure except to contain or
protect floatation material. This regulation is to prevent adverse impacts
to fish migration and natural water currents.

7. Overwater structures shall float at all times on the surface of the water or
shall be of fixed-pile construction. Overwater structures shall at no time
rest on the submerged land substrate.

8. All overwater structures shall be constructed and maintained in a safe and
sound condition.

9. Lighting associated with overwater structures shall minimize light spillage
on adjacent properties or water bodies.

10. Piles, floats and other overwater structures that are in direct contact with
water or over water shall be constructed of materials that will not
adversely affect water quality or aquatic plants and animals. Materials for
any portion of the structure that comes into or may come into contact with
the water shall be approved by the Washington State Departments of Fish
and Wildlife and Ecology for use in the water.
   a. Use of wood members treated with toxic materials is not allowed in
      any new or reconditioned overwater structures.
   b. Tires are prohibited as part of overwater structures.
   c. All foam material must be completely encapsulated.

11. To minimize adverse effects on nearshore habitats and species caused
by overwater structures that reduce ambient light levels, the following
shall apply:
   a. The width of overwater structures shall be the minimum
      necessary. For docks, piers, and floats, this means the minimum
      necessary to afford safe passage. Materials that allow light to
      pass through the deck are required where the width exceeds four
      feet;
   b. Grating to allow light passage or reflective panels to increase light
      refraction shall be used on walkways or gangways in nearshore
      areas; and
c. Piers and other above water structures shall be placed as high as feasible and within the height limits established in this SMP to increase light transmission.

12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. Temporary moorage shall be designed and constructed such that upon termination of the project, the aquatic habitat in the affected area will return to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.

13. See covered moorage provisions in Chapter 5 Section B.3: Boating Facilities.

14. If an overwater structure is provided with a safety railing, such railing shall not exceed 36 inches in height and shall be an open framework that does not unreasonably interfere with shoreline views of adjoining properties.

15. Overwater structures shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finishes of structures themselves shall be generally non-reflective.

16. New piers or docks serving upland single-family residential uses are prohibited.

**Moorings Buoys and Piles**

17. Mooring buoys and mooring piles are permitted only where there is no conflict with navigation or significant ecological impact to submerged lands and habitats. Mooring buoys and mooring piles serving a private residential property are prohibited. Mooring buoys and mooring piles for which there is no demonstrated commercial or navigational need are prohibited.

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

19. The use of buoys for moorage of vessels shall be preferred over piling or float structures.

20. Mooring buoys shall be located in a manner that minimizes impacts to eelgrass, critical saltwater habitats, and other ecologically important areas.

21. All new mooring buoy and pile installations must comply with all applicable guidelines of the Washington State Department of Fish and Wildlife.

22. Mooring buoys in the Aquatic Harbor environment designation are limited to four buoys per acre (consistent with the US Army Corps’ limitation under the Endangered Species Act).
Special Facilities on Overwater Structures

23. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.

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

25. Storage for boat fueling facilities shall be located landward of the OHWM and meet the applicable policies and regulations for utilities (accessory and primary) and commercial and industrial development.

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

4. Fill

a. Applicability

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

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

b. Policies

1. Fill waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal or capping of contaminated sediments, ecological restoration, and other water-dependent uses that are consistent with this SMP.

2. Shoreline fill should be designed and located so there will be no significant adverse ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent property or natural resources. Fill is only appropriate for use in altering currents, drainage, channel migration, etc. when it is done as part of an approved ecological restoration plan or project.

3. The perimeter of fill areas should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural-appearing and self-sustaining control methods are preferred over structural methods.
4. Environmental cleanup actions involving excavation/fill, as authorized by Washington Department of Ecology, may be permitted.

c. Regulations

1. Fill waterward of OHWM requires a Conditional Use Permit and may be permitted only when:
   a. In conjunction with a water-dependent or public access use permitted by this SMP; or
   b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
   c. As part of an approved shoreline restoration project. Fill waterward of the ordinary high water mark that is for the purpose of restoring ecological functions and habitat or as part of an approved environmental cleanup action is a permitted use and does not require a conditional use permit unless the proposed fill material includes dredge spoils.

2. Overwater structures shall be supported by piles or piers rather than fill material whenever feasible.

3. In addition to the requirements in chapter 7, applications for fill permits shall include the following:
   a. Proposed use of the fill area.
   b. Physical, chemical, and biological characteristics of the fill material.
   c. Source of fill material.
   d. Method of placement and compaction.
   e. Location of fill relative to natural and/or existing drainage patterns and wetlands.
   f. Location of the fill perimeter relative to the OHWM.
   g. Means of perimeter erosion control or stabilization.
   h. Type of surfacing and runoff control devices.

4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
   a. Result in significant ecological damage to water quality, fish, wildlife, fish and/or wildlife habitat, and critical saltwater habitats.
   b. Adversely alter natural drainage and circulation patterns, currents, or significantly reduce flood water capacities.
   c. Alter channel migration, geomorphic, or hydrologic processes.

5. Sanitary landfills shall not be located in any shoreline jurisdiction.
5. Dredging and Disposal

a. Applicability

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

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

b. Exemptions

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

c. Policies

1. Dredging operations should be planned and conducted to avoid and minimize interference with ecological processes and functions, navigation, and adverse impacts to other shoreline uses, properties, and values.

2. New uses and development should be located, planned and designed to avoid the need for dredging.

3. When allowed, dredging and dredged material disposal should be limited to the minimum amount necessary. Maintenance dredging of established navigation channels should be limited to maintaining previously authorized locations, depth and width.

4. Disposal of dredged material within a littoral drift zone should not be permitted unless it is associated with restoration of natural processes and functions or habitat enhancement.

5. Dredged material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredged material on land would be more detrimental to shoreline resources than deposition in water areas.

6. When dredged material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach enhancement, habitat creation, aggregate, or clean cover material at a landfill (where appropriate).

7. Dredging waterward of the OHWM for the primary purpose of obtaining fill should not be allowed.

8. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels should be allowed when necessary for assuring safe and efficient accommodation of existing navigational uses.
and only when significant ecological impacts are minimized and when mitigation is provided.

d. Regulations

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

2. Maintenance dredging of established navigation channels, public access facilities, and basins is allowed to maintain previously dredged areas and existing authorized locations. The dredging shall be restricted to previously authorized locations, depths, and widths.

3. Dredging waterward of the OHWM for the primary purpose of obtaining material for fill is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be associated with a Model Toxics Control Act (MCTA) or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) habitat restoration project or other significant habitat enhancement project. The placement of dredge spoils waterward of the OHWM or in wetlands for such purposes shall require a Conditional Use Permit.

4. The City shall not require a shoreline permit for disposal of dredged materials at open water disposal sites approved through a valid site use authorization of the Dredged Material Management Program (DMMP).

5. Dredging and dredged material disposal shall be permitted only where it is demonstrated that the proposed actions will not:
   a. Result in significant or ongoing damage to water quality or aquatic and upland habitat;
   b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce flood water capacities; or
   c. Cause other significant ecological impacts.

6. Proposals for dredging and dredged material disposal shall be the minimum necessary to accommodate the proposed use, and shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish migration and important localized biological communities.

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

8. Dredging and dredged material disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places.
9. Dredging shall be permitted only:
   a. For navigation or navigational access and recreational access;
   b. Where necessary to support a water-dependent use;
   c. As part of an approved restoration project;
   d. To improve water quality or remove contaminated sediments;
   e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
   f. To maintain existing docks, wharves, water intakes, and culverts, bridges, wastewater treatment facilities, outfalls.

10. New dredging activity is prohibited in critical saltwater habitats, unless all of the provisions in chapter 3, section 4 are met.

11. In addition to the requirements in chapter 7, applications for shoreline dredging and dredged material disposal shall include all applicable information as required by State and Federal permitting agencies.

12. Dredge spoil disposal waterward of the OHWM shall utilize techniques which limit the dispersal and broadcast of materials unless specifically designed and approved as a dispersal site.

13. When used for beach enhancement, dredge spoil placement shall be conducted so that:
   a. The spoils do not smother marsh or other shallow productive areas, and
   b. The disposed spoils maintain a stable beach profile, to the extent feasible. Spoils shall be graded at a uniform slope and contoured to reduce cove and peninsula formation and to minimize stranding of juvenile fish or other ecological impacts.

14. Dredged materials shall not be disposed of in locations that adversely affect or diminish public access to shorelines and water bodies.

15. The City's Shoreline Administrator may impose reasonable limitations on dredging operation periods and hours and may require buffers at land disposal or transfer sites in order to protect the public safety and other lawful interests from unnecessary adverse impacts.

6. Shoreline Restoration

a. Applicability

“Shoreline restoration” or “ecological restoration” is the significant re-establishment or the improvement of shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments or substances. To restore does not necessarily mean returning the shoreline area to aboriginal or pre-European settlement condition. The materials used are dependent on the condition of
and intended use of the shoreline area. Along armored shorelines, activities such as rip rap removal, slope cut-back, sediment amendment and placement of materials like wood may be necessary for restoration.

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

b. Policies

1. The City should consider shoreline restoration as an alternative to structural shoreline stabilization and protection measures where feasible.

2. All shoreline restoration projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

3. Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.

4. The City should pursue the recommendations in the Shoreline Restoration Plan prepared as part of this SMP update. The City should give priority to projects consistent with that plan and other adopted plans. Restoration projects should pursue legitimate restoration needs and priorities.

c. Regulations

1. Shoreline restoration may be permitted if the project proponent demonstrates that no significant adverse impacts to sediment transport will result and that the restoration measure will not adversely affect ecological processes, properties, or habitat.

2. Shoreline restoration projects shall use best available science and management practices and shall comply with all federal and state regulations and procedures.

3. Shoreline restoration shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

4. Shoreline restoration projects may be permitted in all shoreline environments. The project does not need to be noted in the Shoreline Restoration Plan but it must not be contrary to the principles and general objectives of the plan.

5. Shoreline restoration projects conducted by a public entity shall include or improve public access where feasible.

6. Shoreline restoration projects may include shoreline modification actions such as vegetation removal, shoreline stabilization, dredging, or filling provided the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
7. Dikes and Levees

a. Applicability

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

b. Policies

1. Structural flood hazard reduction measures should be avoided whenever possible. When evaluating alternative flood control measures, the City should consider the removal or relocation of structures in flood-prone areas.

2. Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program.

3. Environmental enhancement measures and, where feasible, public access improvements should be a part of levee or dike proposals.

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval requirements, federal levee criteria, and in consideration of other applicable resource agency recommendations.

2. Dikes and levees shall protect the natural processes and ecological functions associated with marine shorelines, streams and deltas, including, but not limited to, fish and wildlife habitat.

3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.

4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.

5. Public access to shorelines shall be an integral component of all public entity levee projects. Public access shall be provided in accordance with the public access policies and regulations contained in chapter 3. New dikes or levees must not impede or diminish public access.

6. Proper diversion of surface discharge shall be provided to maintain the integrity of natural streams, wetlands, and drainages.

7. Structural flood hazard reduction measures shall only be authorized when demonstrated by a geotechnical report that they are necessary to protect existing development, that nonstructural means are not feasible, that impacts on ecological functions and habitat for priority species can be successfully mitigated so as to achieve no net loss.

8. Proposals for dikes and levees shall comply with the mitigation sequence and vegetation conservation provisions in chapter 3 of this SMP.
9. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan or other comprehensive effort that considers impacts to the watershed.

10. New structural flood hazard reduction measures shall be located landward of associated wetlands and designated vegetation conservation areas, where feasible.
Chapter 5 - Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. The Shoreline Use Matrix in Chapter 2 Section C indicates in which environment designations each shoreline use is allowed.

B. Shoreline Use Policies and Regulations

1. General Policies and Regulations

   a. Applicability
      
The following provisions apply to all developments and uses in the shoreline jurisdiction.

   b. Policies
      
      1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines.
         
         In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

      2. The City should ensure that all proposed shoreline uses and development will not diminish the public's health, safety, and welfare, or adversely impact ecological functions.

      3. The City should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.

   c. Regulations
      
      1. All uses not explicitly covered in the SMP require a conditional use permit. The City’s Shoreline Administrator shall impose conditions on all shoreline permits and exemptions as needed to ensure that the proposed use or development meets the policies of this SMP.

      2. Non-water oriented uses and development are generally not allowed in shoreline jurisdiction. There are exemptions in specific shoreline environment designations or situations (see chapter 2 and table 1). Developments that include a mix of water-oriented and non-water-dependent uses may be allowed provided the non-water-oriented uses functionally
Chapter 5 – Shoreline Use Provisions

2. **Aquaculture**

   **a. Applicability**

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

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

   **b. Policies**

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

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

   2. Forms of aquaculture that involve minimal environmental and visual impacts are preferred. Aquaculture uses and development that involve little or no substrate modification are preferred over those that involve substantial substrate modification.

   3. Aquaculture uses and development that restore native shellfish species should be encouraged.
4. Public access to tidelands and public shellfish harvesting areas should not be adversely impacted by new or expanded aquaculture activities. Aquaculture should not be permitted where it would adversely impact eelgrass and microalgae, or significantly conflict with navigation and other water dependent uses.

5. In evaluating proposed aquaculture actions, the City should work with Washington State Department of Natural Resources (DNR), Washington State Department of Fish and Wildlife (DFW), area tribes, and aquaculture interests to determine the suitability of proposed locations, aquaculture types and design and implementation requirements for individual proposals.

6. Aquaculture projects should locate in areas where biophysical conditions, such as tidal flow, currents, water temperature and depth, will avoid and minimize adverse environmental impacts. Individual projects should be separated by a distance sufficient to ensure that significant adverse cumulative effects do not occur.

7. Chemicals and fertilizers used in aquaculture operations should only be those specifically approved for aquatic use by the Washington State Department of Ecology and used in accordance with state and federal laws and this SMP.

8. Some forms of aquaculture are dependent on the use of the water area; when consistent with control of pollution and prevention of damage to the environment, water-dependent aquaculture uses and development are a preferred use of the water area.

c. Regulations

1. Applicants shall include in their shoreline permit applications all information required by State and Federal permit applications for new and expanded aquaculture uses and development. Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts, existing shoreline or water conditions and/or uses, vegetation, and overwater structures. For floating and above-water facilities, the City shall reserve the right to require a visual impact analysis be conducted, using a method approved by the City. Generally, the methods for identifying and analyzing potential visual and cumulative impacts will follow the principles in the Aquaculture Siting Study, Washington State Department of Ecology publication number 86-10-000 (October 1986).

2. The location of floating and submerged aquaculture structures shall not significantly:
   a. Restrict navigation to or along the shoreline;
   b. Interfere with general navigation lanes and boating traffic; or
   c. Interfere with Tribal "usual and accustomed" fishing locations.

Floating structures associated with aquaculture uses and development shall remain shoreward of principal navigation channels.
3. No aquatic organism shall be introduced into waters regulated by this SMP without prior written approval of the Washington Department of Fish and Wildlife or other appropriate regulatory agency. Such approval shall be submitted in writing to the City prior to the granting of any shoreline permit.

4. Aquaculture structures and activities that are not water-dependent (e.g., warehouses for processing or storage of products and parking lots) shall not be located in the Aquatic environment designations and shall be located, designed and constructed to avoid and minimize adverse impacts to the shoreline.

5. All structures and equipment associated with aquaculture activities shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired by the owner. Where any proposed structure has the potential to constitute a hazard to the public, the City may require the posting of a bond commensurate with the cost of removal or repair. Following notice to the owner, the City may abate an existing abandoned or unsafe aquaculture structure if the owner fails to respond in thirty days. The City may also impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.

6. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

7. Aquaculture activities and facilities shall be located where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as outlined in chapter 3. Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable State or Federal regulations. Larger buffers or other protections may be required if supported by relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to the mitigation sequencing requirements of this Program (chapter 3, section 1).

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

9. When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm. Authorization to conduct such activities shall be valid for a period of five (5) years with a possible extension per chapter 7 of this Program. After the aquaculture use or development is established under the shoreline permit, continued operation of the use or development, including, but not limited to, maintenance, harvest, replanting, restocking or
changing the culture technique or species cultivated shall not require a new, renewed or revised permit unless otherwise provided in the conditions of approval or this Program. Permit revisions shall proceed in accordance with WAC 173-27-100. Changing of the species cultivated shall be subject to applicable standards of this Program.

10. A new permit is required when:

a. The physical extent of the use or development or associated overwater coverage is expanded by more than ten percent (10%) compared to the conditions that existed as of the effective date of this SMP. If the amount of expansion or change in overwater coverage exceeds ten percent (10%), the revision or sum of the revision and any previously approved revisions shall require the applicant apply for a new permit;

b. The use or development proposes to cultivate a species not previously cultivated within Port Angeles’ jurisdictional waters; or

c. New chemicals not previously approved as part of the existing permit are proposed for use.

11. Floating/hanging aquaculture structures and associated equipment shall not exceed six (6) feet in height above the water's surface. The six foot height limit shall not apply to vessels or materials/apparatus removed from the site on a daily basis.

12. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.

13. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.

14. Aquaculture use and development that requires attaching structures to the bed or bottomlands shall use anchors that minimize disturbance to substrate.

15. Aquaculture projects shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.

16. Aquaculture facilities are required to identify and use best management practices to minimize impacts such as light and noise from the construction and management of the facilities.

17. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant/proponent and the affected tribe(s). The Administrator will notify affected tribes of new shoreline permit applications in the manner outlined in chapter 7.

18. Additional standards for commercial geoduck aquaculture:

a. In addition to the standards above, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.
b. All permits shall take into account that commercial geoduck operators have the right to harvest geoduck once planted.

c. All subsequent cycles of planting and harvest shall not require a new CUP, subject to WAC 173-27-100.

d. A single CUP may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the Program’s jurisdiction.

e. Commercial geoduck aquaculture workers shall be allowed to accomplish on-site work during low-tides, which may occur at night or on weekends. Where such activities are necessary, noise and light impacts to nearby residents shall be mitigated to the greatest extent practicable.

f. Where an applicant proposes to convert existing non-geoduck aquaculture to geoduck aquaculture, a Conditional Use permit shall be required.

g. In addition to the requirements in chapter 7, applications for commercial geoduck aquaculture shall contain all of the items identified in WAC 173-26-241 (3)(b)(iv)(F).

3. Boating Facilities

a. Applicability

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

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide a centralized site for extended moorage for more than four (4) vessels, including yachts, commercial or research vessels, and small pleasure craft. For regulatory purposes, yacht club facilities and camp or resort moorage areas would also be reviewed as marinas.

Marinas are usually located in the intertidal or offshore zone and may require breakwaters of open-type construction (floating breakwater and/or open pile work) and/or solid-type construction (bulkhead and fill), depending on the location.

Boat launches and businesses offering supplies and services for boaters and boat operators are often associated with marinas. These uses are considered accessory to the marina when subordinate in size and scale to the primary marina use. Other accessory uses found in marinas and boating facilities may include fuel docks and storage, boating equipment sale and rental, wash-down facilities, fish cleaning stations, vessel repair services, public launching, bait and tackle shops, potable water, waste disposal, administration and maintenance structures, parking, eateries, grocery and dry good sales.
The above listed uses and modifications are subject to the regulations established for those uses and modifications, in addition to the standards for boating facilities established in this section. If there is a conflict, the Shoreline Administrator shall determine the applicable standards in a manner most protective of shoreline resources.

b. Policies

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

2. Boating facilities should be located in areas of low biological productivity and outside of fish migration routes to the extent feasible. Adverse impacts to ecological processes or life forms should be mitigated.

3. Launch areas for non-motorized, hand-held craft should be provided at appropriate public access sites.

4. Existing public moorage and launching facilities should be retained and maintained.

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

6. On State-owned aquatic lands, boating facilities should adhere to the standards and requirements of the Washington State Department of Natural Resources (DNR).

c. Regulations

1. The applicant is responsible for complying with all applicable state and federal agency requirements and procedures relating to the construction and operation of boating facilities and associated uses or developments.

2. New boating facilities shall not significantly impact the rights of navigation on waters of the state.

3. Boating facilities shall not be located where significant ecological impacts would result and shall not adversely affect critical saltwater habitats (see Chapter 3, section B).

4. Boating facilities shall comply with the mitigation sequence outlined in chapter 3, section 1 as well as all applicable critical area and vegetation conservation standards in Chapter 3 of this SMP.

Design/Renovation/Expansion

5. Boating facilities shall be located on stable shorelines and designed so as to:
   a. Provide thorough water/tidal exchange and circulation in enclosed water areas.
b. Maintain intertidal and shallow subtidal migratory pathways for juvenile fish species and other aquatic life requiring shallow water habitat.

c. Minimize interference with sediment transport or other coastal processes and disruption of existing shoreline ecological functions.

d. Minimize the adverse impacts of shade on the water’s surface resulting from overwater structures through means such as (but not limited to):
   i. Minimization of overwater coverage;
   ii. Elevation of piers above the water to the maximum extent reasonable
   iii. Limiting floats in the nearshore area;
   iv. Incorporating grated decking or other materials that allow light penetration; and
   v. Other design measures.

e. Minimize the need for channel construction or dredging, maintenance dredging, filling, beach enhancement, and other shoreline modification activities.

6. Moorage of floating homes, floating on-water residences, house barges and/or houseboats in marinas is prohibited. This regulation does not apply to live-aboard vessels.

7. Up to 10% of the total number of slips in a new marina may be occupied by live-aboards (boats with people living on them as their primary residence). The Port of Port Angeles Boat Haven Marina may provide for up to 30 live-aboards or 10% of the total number of slips, whichever is larger. Live-aboards may provide a sense of security due to on-site human presence.

8. All marinas shall include measures for sewage pump-out and disposal. Boat waste disposal facilities (pump-outs, dump stations and toilets) shall be considered and located within marinas on an individual basis through consultation with the Departments of Health, Ecology and Parks as applicable.

9. In addition to the application requirements in chapter 7, the City shall require and utilize the following information in its review of new or expanded marina proposals:
   a. Existing shoreline and backshore features and uses.
   b. Sediment transport processes and flushing characteristics, including but not limited to volumes, rates and frequencies.
   c. Biological resources, habitats, and migratory routes of marine species within the backshore, foreshore, and aquatic environments.
   d. Bathymetric contours (1-foot increments).
   e. Ownership and lease agreements of submerged lands.
   f. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shoreline stabilization and flood protection necessary.
g. Impact upon existing shoreline and water uses, and anticipated demand for shoreline and water uses including public access, recreation, and views.

h. Location of accessory facilities, including sewage disposal, water quality and invasive species transfer controls (e.g., wash down facilities),

i. Overwater coverage and associated shading,

j. Provisions for the prevention and control of fuel spillage and management of storm water, and

k. A landscaping plan (see regulation 12 below). The landscaping plan shall identify the size, location and species of plants that will be used. Native species are required, where feasible. Such plan shall also outline maintenance and monitoring steps, and may include a financial security requirement, to ensure all landscaping is viable and self sustaining after three years.

10. Accessory uses at marinas or public launch ramps shall be limited to those which are water-dependent, water-related or water-enjoyment or that functionally support marina activities or users (e.g., public restrooms, harbormaster offices, etc.). Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.

11. Marinas shall not locate where they would impair significant littoral drift, including adjacent to feeder bluffs, accretion beaches, points, spits and hooks, wetlands and lagoons, and estuaries. Marinas also shall not locate where they would result in adverse impacts to significant fish and shellfish spawning and rearing areas.

12. The perimeter of new or expanded parking, dry moorage and other storage areas shall be landscaped to provide and maintain a visual buffer between adjoining dissimilar uses or scenic areas.

13. Public access, both visual and physical, shall be an integral part of all new or expanded marinas or public launch ramps. The type/design of public access shall be consistent in scale and intensity with the proposed boating facility in accordance with the public access requirements in chapter 3. New and expanded boating facilities must ensure the following:

a. Existing or potential public access along beaches is not unnecessarily blocked or made dangerous, and public use of the waters below the ordinary high water mark is not unduly impaired.

b. Where allowed, covered moorage shall not be constructed where visual access from public access areas is significantly impaired and/or the views of significant numbers of residences are blocked.

14. Upland facilities shall be designed and managed in compliance with the Port Angeles Urban Services and Standards Guidelines manual in order to minimize or prevent negative impacts to water quality. Impervious surfaces shall be minimized to the extent feasible.
15. Boating facilities and accessory uses shall share parking facilities to the maximum extent feasible, with boating facility usage given the preference for utilizing parking within shoreline jurisdiction.

16. Public boat launch facilities shall provide and maintain rest rooms or portable toilets. All marinas with over 20 moorage slips shall provide rest rooms and showers for boaters' use. Restrooms and showers shall be located outside of shoreline jurisdiction to the extent feasible. Marinas shall provide one toilet and hand washing facility for each sex per fifty moorage sites; signs shall be posted so that the rest rooms are easily identifiable to the boating public.

17. Pipes, plumbing, wires and cables at marinas shall be placed at or below ground and dock levels.

18. Marinas shall include facilities, equipment and shall post established procedures for the containment, recovery and mitigation of spilled petroleum, sewage and/or toxic products and debris from maintenance and repair practices.

19. Garbage and recycle receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site. This should include separate receptacles for waste oil and other potentially hazardous or toxic waste.

20. Moorage facilities within marinas shall be equipped with functional lifesaving equipment such as life rings, hook and ropes. Adequate fire protection shall be required as per the City adopted Fire Code.

**Boat Launches**

21. Public launch ramps shall be located where upland and aquatic access are appropriate for the scope of the facility so that parking and circulation do not adversely impact neighboring uses or the public rights of navigation.

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

23. The maximum waterward intrusion of any portion of any launching ramp shall be the point where the water depth is sufficient for launching the type of boat for which the launch is designed.

**Covered Moorage**

24. Covered moorage is prohibited outside of the Port of Port Angeles Boat Haven Marina.

25. When new covered moorage or the replacement of existing covered moorage is proposed within the Boat Haven Marina, the applicant shall provide a detailed plan indicating:
   a. The location, size and general design of the proposed structure;
   b. The impact on shoreline views from public access points within the marina and from adjacent public properties and residences; and
c. That the structures will be built to conform to the City building code, withstand stresses from anticipated storm and weather conditions or damage by fire, and that exterior wall and roof coverings shall be of noncombustible or fire-retardant-treated material and so certified or labeled.

26. The maximum height for covered moorage is 20 feet above the ordinary high water mark.

Mooring Piles and Buoys

27. Mooring buoys shall be located as close to the shoreline as possible but outside of critical saltwater habitats. Mooring buoys shall be designed to eliminate damage (e.g., from the scour of anchoring chains or cables) to eelgrass and kelp beds. Consult with the Clallam Marine Resources Committee for advice and assistance in this regard. See also regulations for mooring buoys in Chapter 4, section 3.

28. Buoys shall be discernible under normal daylight conditions at a minimum of 100 yards and shall have reflectors for nighttime visibility.

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

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

31. Vessels shall not moor on waters of the state for extended periods unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

4. Commercial Development

a. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Commercial uses can be water-dependent, water-related, water-enjoyment or non-water-oriented. Water dependent commercial uses include, for example, boat rental, water taxis, or eco-marine tourism where direct access to the water is necessary. Water related commercial uses include, for example, the sale of boating supplies that could occur in an upland area but which derive benefit from being proximate to the shoreline. Water-enjoyment commercial uses include those uses that help people to enjoy the shoreline, such as eating and drinking establishments and shops, where views of or public access to the water are emphasized.

Uses and activities associated with commercial development that are identified as separate uses in this program include Industry, Boating Facilities, Transportation Facilities, and Utilities (accessory). Commercial uses and development must meet all applicable requirements established by the SMP.
b. Policies

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

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

2. Water related and water enjoyment commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.

3. Multiple-use concepts which include ecological restoration, open space area and recreational activity should be encouraged in commercial developments.

4. All new non-water-oriented commercial development, where allowed, should be conditioned with the requirement to provide ecological restoration and public access.

c. Regulations

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

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

3. All new or expanded water-related and water-enjoyment commercial uses
and developments shall mitigate impacts to shoreline resources and values
by providing ecological restoration and public access, unless such measures
are demonstrated to be infeasible. Restoration that is required as mitigation
in this context shall comply with the regulations in Chapter 3, section 12.

4. All commercial loading and service areas shall be located and/or screened to
minimize visual impacts to public shoreline areas. If such facilities cannot be
located to avoid impacts, parking and service areas shall be screened from
view from public access areas by a 10-foot strip of landscaping with shrubs
that will be at least 3 feet high within two years of planting and trees a
minimum of 2-inch caliper spaced at species-appropriate distances.

5. All new or expanded commercial uses or developments located adjacent to
the Olympic Discovery/Waterfront Trail shall provide a minimum 10-foot-wide
strip of landscaping between the building and the trail. The landscaping shall
include:
   a. Shrubs that will grow to at least 3 feet high within two years of planting;
   b. Vegetative ground cover that will cover the planted area within at least
two years;
   c. Trees will be required if the Administrator determines there is sufficient
      space depending on the setting and the desired tree species;
   d. A sight-obscuring fence is not required; and
   e. The City Shoreline Administrator may modify required landscaping
      patterns within these areas to avoid safety and security concerns.

6. If the setback standards in Chapter 2 conflict with those for the commercial
use or zone established in the most current version of PAMC Title 17, the
most restrictive shall prevail.

7. The City shall require and evaluate the following information in its review of
new or expanded commercial use or development proposals:
   a. Nature of the commercial activity (e.g. water-dependent, water-related,
      water-enjoyment, non-water-oriented, mixed-use), including a breakdown
      of space requirements for each component;
   b. Need for shoreline location;
   c. Special considerations proposed to enhance the relationship of the
      activity to the shoreline;
   d. Provisions for public access to the shoreline, both physical and visual;
   e. Provisions to ensure that the development will not cause adverse
      environmental impacts; and
f. For mixed-use proposals, alternative mixes of water-oriented and non-water-oriented uses and activities, structure locations, site design and bulk considerations, alternative public access opportunities, and other considerations addressing the goals and policies of the SMP. In mixed use proposals:
   i. Water dependent uses shall be the primary use;
   ii. Uses subordinate to the primary water dependent use shall be smaller in scale and use than the primary use;
   iii. Uses subordinate to the primary water dependent use shall be located landward of the primary use; and
   iv. Uses subordinate to the primary water dependent use shall not be located within a required VCA or setback.

8. Commercial development shall be consistent with the character and features of the surrounding area.

9. Non-water dependent commercial developments are prohibited over water unless the use is part of a mixed-use development with a primary water dependent use.

10. Commercial uses authorized as water related or water enjoyment uses or developments shall incorporate appropriate design and operational elements so they meet the definition of water related or water enjoyment uses.

5. Industry

a. Applicability

Industrial developments and uses are facilities for processing, manufacturing, and storing of goods. Included in industry are such activities as log storage (upland), in-water log rafting and handling, petroleum storage and handling, transport and storage operations, paper, pulp and wood products production, concrete and asphalt batching, construction, manufacturing, and warehousing. Boat building, ship repair, and major boat repair that involves haul-out may be considered an industrial use.

b. Policies

1. Regional and statewide needs for industrial facilities should be carefully considered in reviewing proposals for new industrial uses and development as well as in designating shorelines for such uses or development. Such consideration and designation should be coordinated with the Port of Port Angeles.

2. Expansion or redevelopment of existing, legally established industrial areas, facilities and services that could incorporate mixed-use development are encouraged over new single-purpose industrial areas or facilities.

3. Joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities is strongly encouraged in waterfront industrial areas.
4. New industrial development should be required to provide physical and/or visual access as outlined in chapter 3, when feasible and when such access does not cause significant interference with industrial operations or hazards to life and property.

5. Dry land storage of logs is preferred over in-water log storage.

6. New non-water oriented industrial developments should not be located within shoreline jurisdiction, unless the use is part of a mixed use project that includes water dependent uses and provides a significant public benefit. Non-water oriented industrial uses and development may also be allowed on a site that is physically separated from the shoreline by another property or public right of way.

c. Regulations

1. New industrial uses or developments, or significant expansion or intensification of existing industrial uses or activities, shall be consistent with the Port Angeles Harbor Resource Management Plan, and be accompanied by a feasibility or use analysis acceptable to the City that assesses regional or state-wide need.

2. Non-water oriented industrial development is only allowed within shoreline jurisdiction when:
   a. The non-water oriented industrial use or development is part of a mixed use development and is subordinate to and located landward of the primary water dependent use;
   b. The underlying zoning allows industrial uses; and
   c. A water-oriented industrial use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site’s separation from the water.

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

3. Existing non-water oriented industrial development in shoreline jurisdiction may be permitted to expand upland from existing structures but not parallel to or waterward toward the OHWM upon approval of a conditional use permit. Waterward expansion of existing non-water-oriented industry is prohibited.

4. Long-term storage and/or disposal of industrial wastes is prohibited within shoreline jurisdiction. Wastewater treatment systems may be allowed in shoreline jurisdiction only if alternative areas outside of shoreline jurisdiction have been proven infeasible.

5. Waste disposal, except clean soils and clean dredge spoils, is prohibited within shoreline jurisdiction. Temporary storage of waste is allowed provided all applicable regulations governing storage are a part of the design. The Shoreline Administrator shall establish the time period allowed for temporary storage in the shoreline permit or exemption.
6. New or expanded facilities for water transport of bulk, crude or other forms of petroleum in vessels over 125,000 deadweight tonnage shall be limited to segments of the shoreline designated HI-I or HI-M and adjacent aquatic areas.

7. New or expanded port and/or industrial developments shall employ the best available technology, practices and procedures for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of any spills that do occur.

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

9. All industrial loading and service areas shall be located and/or screened to minimize visual impacts to public shoreline areas. If such facilities cannot be located to avoid impacts, parking and service areas shall be screened from view from public access areas by a 10-foot strip of landscaping with evergreen trees and shrubs that will provide a full visual screen within five years of planting. The Administrator may modify required landscaping patterns within these areas to avoid safety and security concerns.

10. All new or expanded industrial uses or developments located adjacent to the Olympic Discovery/Waterfront Trail shall provide a minimum 10-foot-wide strip of landscaping between buildings and the trail. The landscaping shall include:
   a. Shrubs that will grow to at least 3 feet high within two years of planting;
   b. Vegetative ground cover that will cover the planted area within at least two years;
   c. Trees will be required if the Administrator determines there is sufficient space depending on the setting and the desired tree species; and
   d. The City Shoreline Administrator may modify required landscaping patterns within these areas to avoid safety and security concerns.

11. Low Impact Development (LID) techniques shall be incorporated into the design of new industrial uses and development, where feasible.

12. Industrial activities, including ship and boat building and repair yards, shall employ Best Management Practices (BMPs) concerning the various services and activities they perform and their impacts on water quality. Industrial uses and activities shall adhere to the applicable standards in the City of Port Angeles Urban Services Standards and Guidelines.

13. The City may require that new or expanded upland industrial development be set back and buffered from adjacent shoreline properties used for nonindustrial purposes in accordance with PAMC 17.34.050 B. Such setbacks or buffers are intended to minimize conflicts between incompatible uses and to minimize the impacts of noise and dust that may be generated by industrial activities. If the Administrator determines that buffers are required as outlined above, such buffers shall be a minimum of 10 feet in width, and
planted with vegetative materials that will reach 6 feet in height within 5 years of planting. The applicant will be required to prepare and maintain landscape buffers in ways that guarantee the survivability of the vegetation, and shall be required to monitor and maintain such areas for a period of at least 5 years. Plants shall be selected to minimize visual or noise intrusion to adjacent properties, minimize erosion and protect water quality. Buffers shall not be used for storage of industrial equipment or materials, parking, or for waste disposal, but may be used for public access if consistent with provisions of the SMP.

Log Storage and Booming

14. Unpaved storage areas underlain by permeable soils shall have at least a 4-foot separation between the ground surface and the highest seasonal water table.

15. All log storage proposals shall demonstrate that State water quality standards and/or criteria will not be violated by any runoff leaving the site and entering into waters of the State. If such demonstration is not possible, treatment facilities meeting all applicable local, state and federal standards shall be provided.

16. Offshore log storage shall be located only in areas where an Aquatic Lands Lease may be obtained from the Washington State Department of Natural Resources.

17. In-water log storage shall not hinder navigation.

18. The free-fall dumping of logs into water is prohibited. Easy let-down devices shall be employed for placing logs in the water per the Port of Port Angeles BMPs approved as part of Washington State Department of Natural Resources Aquatic Lands Lease agreements.

19. Bark and wood debris shall be regularly and consistently controlled, collected and disposed of at log dumps, raft building areas and mill-side handling zones. This shall be required for both floating and sinking particles.

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

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

21. To avoid impacts to new areas, new log booming and storage facilities shall be preferentially located in areas where the activity has historically occurred, unless such a location results in significant impacts to ecological functions.

22. New log booming and storage facilities must be located waterward of the nearshore to avoid and minimize ecological impacts to aquatic areas.

23. New log transfer sites and in-water storage facilities are prohibited in areas that do not meet state or federal water and sediment quality standards, or in areas defined as critical saltwater habitat or habitat areas for priority species and species of concern.
24. Operators must implement measures to prevent chains and ropes on anchorage, mooring, and containment boom systems from dragging on the substrate. Measures include, but are not limited to, the use of embedded anchors and midline floats.

6. Governmental, Educational, Cultural and Institutional Uses

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

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

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

7. Recreational Development

   a. Applicability
   Port Angeles’ shoreline includes several attractions that make it a significant regional recreation resource. Recreational development includes public and commercial facilities for activities such as hiking, photography, viewing, fishing/shellfishing, boating, swimming, bicycling, picnicking, and playing. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

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

1. Local, state, and federal recreation planning should be coordinated to satisfy recreational needs. Shoreline recreational developments should be consistent with all locally adopted park, recreation, and open space plans, including the City of Port Angeles Comprehensive Plan and the recreation component of the Harbor Resources Management Plan (most recent edition).

2. Recreational developments and plans should promote the conservation of the shoreline’s natural character, ecological functions and processes, especially on Ediz Hook and in the vicinity of creeks discharging into the harbor and/or strait.

3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.

4. Water-dependent recreational uses, such as angling, shellfishing, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking. Water enjoyment recreational uses should have priority over non-water oriented recreational uses. Non-water oriented recreational uses such as field sports and golf should be prohibited in shoreline jurisdictions unless they are part of a mixed use recreational facility.

5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives. Of special importance is the Olympic Discovery/Waterfront Trail. Safety improvements and recreational enhancements to the Olympic Discovery/Waterfront Trail should be pursued as recommended in the Harbor Resources Management Plan.

6. Opportunities to expand the public’s ability to enjoy the shoreline should be pursued in recreational uses and developments.

7. Opportunities for recreational scuba diving should be pursued where there is not a conflict with existing activities, such as the U.S. Coast Guard base. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreational observation. Such habitats should be constructed in areas of low habitat diversity, where predation of priority species is not an issue, to avoid migratory corridors and in consultation with the Department of Fish and Wildlife and local tribes.

8. Improvements should be made to the City Pier and Hollywood Beach.

9. Recreational opportunities that are consistent with ecological restoration should be encouraged on Ediz Hook and on the ʔiʔinəs “Ennis Creek” also known as the former Rayonier site (segment O).

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

11. Public access along the pipeline between Marine Drive and the shoreline west of Ediz Hook should be pursued. Security measures should be taken to prevent trespassing into industrial areas.
12. Opportunities for interpretive displays and activities highlighting the cultural, environmental, historical, and economic aspects of the shoreline should be incorporated into all public recreation facilities. The City, in coordination with state and federal resource agencies and local tribes, should develop a system of coordinated interpretive displays.

13. Accessory structures to recreational facilities, such as restrooms, storage buildings, access roads, and parking areas should be located outside of shoreline jurisdiction, when feasible.

c. Regulations

1. Non-water-oriented recreational use and developments may be permitted in shoreline jurisdiction only when part of a mixed use development containing water dependent uses or when separated from the shoreline by another property or public right of way, and where it the following can be demonstrated:
   a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site’s separation from the water.
   b. The proposed use or development does not displace a water-oriented use, usurp land currently occupied by a water oriented use, and will not interfere with adjacent water-oriented uses.
   c. The proposed use or development will provide a significant public benefit with respect to the objectives of the SMA by providing ecological restoration and/or public use of or access to the shoreline.

2. All new or expanded recreational uses and developments shall mitigate impacts to shoreline resources and values by providing ecological restoration, unless such measures are demonstrated to be infeasible. Restoration that is required as mitigation in this context shall comply with the regulations in chapter 3, section 12.

3. Accessory structures to recreational facilities, such as restrooms, storage buildings, access roads, and parking areas shall be located outside of shoreline jurisdiction, when feasible. When the Administrator determines that location of such facilities outside of shoreline jurisdiction is not feasible, accessory uses and structures shall meet all required setbacks, shall be located landward of primary recreational uses or structures, and shall comply with all other provisions applicable to the use or structure in this SMP.

8. Residential Development

a. Applicability

   Residential use and development means buildings, structures, lots, or parcels that are primarily devoted to or designed for use as a dwelling. Residential uses and developments include such things as single-family residences, duplexes, floating homes, multi-family residences, mobile home parks, residential subdivisions and short subdivisions, and planned unit or residential developments. Accessory uses
and structures normally associated with residential uses are also included in this category. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

b. Policies

1. Residential development should be prohibited in environmentally sensitive areas including, but not limited to, wetlands, steep slopes, floodways, and their buffers.

2. The overall density and design of residential uses and development within shoreline jurisdiction should be appropriate to the physical capabilities of the site and consistent with the City of Port Angeles' Comprehensive Plan, Zoning ordinance, and critical area provisions as described in detail at Chapter 3, including specific portions of Appendix B.

3. Recognizing the single-purpose, irreversible, and space-consumptive nature of shoreline residential development, new residential uses and development should provide adequate space between such uses or developments and the water to accommodate outdoor recreation such as trails, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.

4. New or expanded residential use and development should include provisions for protection of groundwater supplies, erosion control, storm water drainage systems, protection of aquatic and wildlife habitat and migratory corridors, ecosystem-wide processes, and open space.

5. Sewage disposal facilities and water supply facilities should be provided in accordance with appropriate state and local health regulations.

6. New residential uses and developments should be designed and located so that shoreline armoring will not be necessary to protect the structure, at the time of construction or at any time in the foreseeable future. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
   a. Constructing shoreline stabilization structures (such as bulkheads).
   b. Causing significant erosion or slope instability.
   c. Removing existing native vegetation that helps to prevent bluff erosion.

7. New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts, promote consolidated community access points, encourage low-impact and natural drainage solutions, and reduce utility, public access, and road costs.

8. Accessory uses and structures should be located landward of the principal residence unless there is a compelling reason to the contrary.
c. Regulations

1. Residential uses and development shall not be approved where shoreline stabilization measures, bluff walls, or bulkheading will be required to protect residential structures, lots, or site areas. Residential uses and development shall be located and designed to avoid the need for structural shoreline stabilization and flood protection works for the life of the development.

2. New residential uses and development and appurtenances shall be prohibited overwater or floating on the water, including, but not limited to, floating homes and floating on-water residences. This regulation does not apply to live-aboard vessels.

3. All residential shoreline uses and development shall comply with the mitigation sequence outlined in chapter 3, section 1 of this SMP and with the critical area and vegetation conservation provisions in chapter 3.

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

5. The creation of new residential lots within the shoreline jurisdiction shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including critical area buffer, vegetation conservation, setback, and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that all of the following can be met:
   a. The residence can be built in conformance with all applicable standards in this SMP.
   b. Adequate water, sewer, road access, and utilities can be provided.
   c. The intensity of development is consistent with the City’s comprehensive plan.
   d. The development will not be at risk from floods or geological hazards, and will not put other properties at risk of the same.

6. Storm water runoff from all new development and redevelopment within the City of Port Angeles shall comply with the most recent version of the City’s Urban Services Standards and Guidelines.

9. Transportation

a. Applicability

Transportation facilities are those structures and developments that facilitate the movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, railways, airports (including seaplane facilities), ferry terminals, heliports, public transit facilities, and other related facilities. Parking facilities are considered separately from transportation facilities (see chapter 3).

The policies and regulations in this section pertain to new transportation uses or development as well as to changes to or expansion of any existing transportation facilities.
Transportation access to Port Angeles’s shorelines is important for emergency vehicle access, the movement of freight and industrial materials, access to shoreline uses, waterfront sites, and to recreational and public access attractions.

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

b. Policies

1. Transportation planning in the shoreline jurisdiction should consider circulation systems for pedestrian, bicycle, and public transportation as well as other modes. Circulation systems and projects should support existing and proposed shoreline uses that are consistent with the SMP.

2. Pedestrian trails and bicycle paths should be encouraged in the shoreline jurisdiction and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline. Roadway improvements should include provisions for bicycle and pedestrian movement.

3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

4. The City should pursue the recommendations in the current edition of the Harbor Resource Management Plan and other City transportation plans to ensure adequate access to shoreline areas, particularly freight access to water-oriented industrial uses.

5. All new and expanded transportation uses and development in the shoreline jurisdiction should be consistent with the City’s Comprehensive Plan and applicable capital improvement plans.

c. Regulations

General

1. All new and expanded transportation uses and development in shoreline jurisdiction shall be consistent with adopted City plans.

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

3. The following regulation applies to shoreline road ends:
a. RCW 35.79.035 prohibits the City from vacating any City street or alley which abuts a body of salt or fresh water unless the street or alley is not currently used or suitable for beach or water access, boat moorage or launching sites, or for a park, viewpoint, recreation, educational, or other public purposes.

b. RCW 35.79.035 establishes legal procedures to vacate streets as outlined above.

4. Consult the Washington Department of Fish and Wildlife’s Aquatic Habitat Guidelines documents when locating and designing transportation facilities.

Location

5. New and expanded transportation facilities shall be located outside of the shoreline jurisdiction, whenever feasible.

6. New and expanded transportation facilities shall be located and designed to prevent or to minimize the need for shoreline stabilization and shoreline modifications. Transportation facilities that must cross water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges shall be constructed at an elevation that will allow the passage of debris and provide three feet of freeboard above the 100-year flood level. Bridges and other transportation facilities shall not intrude into or over critical saltwater habitats except as allowed by chapter 3.

7. Roads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed to accommodate 100-year storm flows and to allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.

Design/Construction/Maintenance

8. In the design and construction of new and expanded transportation facilities, impervious surfaces shall be minimized. Areas not paved shall be planted with self-sustaining vegetation in accordance with City standards. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until fully established. Landscape design may provide opportunities to enjoy views of the water or other points of interest.

9. New and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where feasible and appropriate, as determined by the City’s Shoreline Administrator utilizing the plans cited in this section. Transportation projects shall support existing and proposed shoreline uses that are consistent with the SMP.

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

11. Fill for new or expanded transportation facilities shall generally be prohibited in water bodies and wetlands. Fill may be permitted as a Conditional Use to support new or expanded transportation facilities, only when:
   a. All structural and upland alternatives have been proven infeasible;
b. The transportation facility is necessary to support uses consistent with this SMP; and

c. All unavoidable, adverse environmental impacts are mitigated.

12. New and expanded transportation facilities shall not diminish but may modify public access to the shoreline.

13. Vegetated shoreline areas disturbed by construction or maintenance of transportation facilities shall be replanted and stabilized with native vegetation immediately upon completion of the construction or maintenance activity. Replacement vegetation shall be maintained by the party responsible for maintenance of the transportation facility or the property owner, as appropriate.

Air Transportation

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

10. Utilities (Primary)

a. Applicability

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

b. Policies

1. New utility facilities should be located so as not to require shoreline modifications, where feasible. Note that new shoreline stabilization may not be allowed on State-owned aquatic lands except under extraordinary circumstances, as determined by the Washington State Department of Natural Resources (DNR).

2. Utility facilities and corridors should be located so as to protect views. Whenever feasible, such facilities and corridors should be placed underground, or alongside or under bridges. Note that on State-owned aquatic lands, sewer and stormwater outfalls may be required to be installed below the substrate within nearshore areas, as determined by the Washington State Department of Natural Resources (DNR).

3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.
4. New utility facilities should preferentially be located outside of shoreline jurisdiction, if feasible.

5. Utilities should be located in existing rights of ways and corridors whenever feasible.

6. Utility pipelines and cables on tidelands should be discouraged.

c. Regulations

1. All primary utility facilities and uses shall be located outside of the shoreline jurisdiction, unless infeasible. Utility uses and facilities that must be located in the shoreline jurisdiction shall be designed to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses. The City’s Shoreline Administrator may require the relocation or redesign of proposed utility uses and development in order to avoid significant ecological impacts.

2. Utility production and processing facilities, such as power plants and sewage treatment plants or parts of those facilities that are non-water oriented, shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. Energy recovery from waste products associated with nearby water-dependent shoreline uses may be allowed.

3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible. When necessary, such uses and facilities shall assure no net loss of shoreline ecological functions. Utilities shall be located in existing rights-of-way and utility easements or corridors whenever feasible. New or expanded transmission lines shall be underground, unless infeasible, or unless the applicant demonstrates that above-ground transmission lines would have a lesser impact.

4. Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance that disrupts ecological functions shall not be allowed unless the Shoreline Administrator determines that no other feasible option exists. When permitted, those facilities shall include provisions to assure no net loss of shoreline ecological functions. Existing above ground lines shall be moved underground during normal replacement processes, when feasible.

5. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way when feasible. Such uses may include shoreline access points, trail systems or other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant liability for the owner.

6. New solid waste disposal sites and landfill facilities are prohibited. Existing solid waste disposal and transfer facilities in the shoreline jurisdiction shall
not be expanded, intensified, or substantially reconstructed unless for an environmental cleanup or ecological restoration purpose.

7. Utility transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant ecological impacts.

8. Utility developments shall be located and designated so as to avoid or minimize the use of any structural shoreline stabilization or flood protection works.

9. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. Easily accessible automatic shut-off valves shall be provided on both ends of the pipeline.

10. Filling and dredging in shoreline jurisdiction for development of utility facilities or lines is prohibited, except where no other feasible option exists. Permitted crossings shall utilize pier or open pile techniques, when feasible. Boring, rather than open trenching, is the preferred method of utility water crossing.

11. Clearing of vegetation for the installation or maintenance of utilities shall be avoided and minimized; upon project completion, any disturbed areas shall be restored to their pre-project condition.

12. Telecommunication towers, such as radio and cell phone towers, shall be located outside of shoreline jurisdiction where feasible, except when in support of a water-dependent use, such as the U.S. Coast Guard installation.

13. Outfalls shall be designed and constructed according to all applicable regulations and standards.

New and reconfigured outfalls must be located and designed to avoid impacts to native aquatic vegetation. Diffusers or discharge points must be located a sufficient distance from nearshore areas to avoid significant ecological impacts.

14. All pipelines supplying water or other liquid for industrial uses shall be metered at the source and destination to ensure there are not leaks in, or damage to, the supplying pipeline(s).
Chapter 6 - Definitions

The terms used throughout this program shall be defined and interpreted as indicated below. In the event of a conflict between the definitions provided in this chapter and those provided elsewhere in the Port Angeles Municipal Code the definitions provided in this chapter shall apply.

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

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

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

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

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

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

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

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

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

**Average grade level.** See “base elevation.”

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

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

**Beach enhancement/restoration.** Process of returning a waterfront area to a state more closely resembling a natural beach. Methods may include removal of shoreline armoring, grading, addition of beach materials, vegetation, drift sills and other nonintrusive means as applicable.
Beach nourishment. The process of replenishing a beach by artificial means, for example by the deposition of dredged materials, sediment, or sand. Also called beach replenishment or beach feeding.

Bioengineering. See shoreline modifications.

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

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

Breakwater. See shoreline modifications.

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

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

Building setback. See setback.

Bulkhead. See shoreline modifications.

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

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

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

City. The City of Port Angeles, Washington.

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

Comprehensive Plan. Comprehensive plan means the document, including maps adopted by the city council, that outlines the City’s goals and policies related to management of growth, prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.
Conditional use. A shoreline use, development, or substantial development which is classified as a Conditional Use in this SMP. A use, development, or substantial development that is not specifically classified within this SMP is treated as a Conditional Use.

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

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

Current deflector. See shoreline modification.

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

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the SMA at any state of water level. (RCW 90.58.030(3)(a)). Development does not include dismantling or removing structures if there is no other associated development or re-development.

Development regulations. The controls placed on development or land uses by the City of Port Angeles, including, but not limited to, zoning ordinances, environmentally sensitive areas protection regulations, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for watercraft. A dock may be built either as a fixed platform supported by piling (a pier), or walkway or other surface that floats on the water, or a combination.

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

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

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

Ecological restoration. See “restore.”

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

EIS. Environmental Impact Statement.
Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (WAC 173-27-040 (2)(d)).

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

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

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

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

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

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

Fair market value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.
Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or when studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
b. The action provides a reasonable likelihood of achieving its intended purpose; and
c. The action does not physically preclude achieving the project's primary intended legal use.

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

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

Floats. An anchored, buoyed object.

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

Floodway. The area that has been established in effective Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

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

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

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

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

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

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

**Height.** See “building height.”

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

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

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

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

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

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

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

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

**Marine.** Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Strait of Juan de Fuca and the bays, estuaries, and inlets associated therewith.
Marina. Refers to a system of piers, buoys, or floats to provide a centralized site for extended moorage for more than four (4) vessels for a period of 48 hours or longer. For regulatory purposes, yacht club facilities and camp or resort moorage areas would also be reviewed as marinas. Boat launch facilities and the sales of supplies and services for small commercial and/or pleasure craft users may be associated with marinas. Where such amenities are included, the marina is considered a multi-use marina.

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

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

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Mitigation Bank. A site where shoreline ecological functions are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to ecological functions or other aquatic resources that typically are unknown at the time of certification.

Moorage facility. Any device or structure used to secure a boat or a vessel, including piers, docks, piles, or buoys. Moorage facilities may be located inside of or outside of marinas and other boating facilities.

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

Must. A mandate; the action is required.

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

Nearshore. The estuarine/delta, marine shoreline and areas of shallow water from the uplands that directly influence or are influenced by the shoreline to a waterward depth of about 10 meters relative to Mean High Water. (This is the average depth limit of light penetration). This zone incorporates those ecological processes, such as sediment movement, freshwater inputs, and subtidal light penetration, which are key to determining the distribution and condition of aquatic habitats. By this definition, the nearshore extends landward into the tidally influenced freshwater heads of estuaries and coastal streams.
Nonconforming development or nonconforming structure. An existing structure which was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Nonconforming lot. A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the master program.

Nonconforming use. An existing shoreline use that was lawfully established prior to the effective date of the SMA or the master program, but which does not conform to present use regulations due to subsequent changes to the master program.

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

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

Normal protective bulkhead. See shoreline modifications

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

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

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

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

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

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

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

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

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

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

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

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

1. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

4. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

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

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

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

RCW. Revised Code of Washington.

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

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

Revetment. See shoreline modifications.

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

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

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

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

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

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

Shall. A mandate; the action must be done.

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

**Shoreline Administrator.** See administrator.

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

**Shoreline environment designation(s).** The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations used in this SMP include: High-Intensity Industrial (HI-I), High-Intensity Marine (HI-M), High-Intensity Mixed Use (HI-MU), High-Intensity Urban Uplands (HI-UU), Urban Conservancy-Low Intensity (UC-LI), Urban Conservancy Recreation (UC-R), Shoreline Residential (SR), Aquatic-Harbor (A-H), and Aquatic-Conservancy (A-C).

**Shoreline functions.** See “ecological functions.”

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

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

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

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

• **Soft Armoring**  See bioengineering.

• **Revetment** in coastal management means a sloping structure placed on the shoreline in such a way as to absorb the energy of incoming water. Coastal revetments are usually built to protect slopes and structures as defense against erosion.

• **Jetty** (in marine situations) is any of a variety of structures used for forming basins, protecting navigational channels and harbors, or to influence currents. Jetties contribute to prevention of long shore drift, therefore slowing down beach erosion.

• **Groin** is a structure extending from the shoreline out into the water that influences water flow and the deposition of sediment. In the ocean, groins may create beaches, or avoid having them washed away by longshore drift. Ocean groins run generally perpendicular to the shore. All of a groin may be under water, in which case it is a **submerged groin**. The areas between groups of groins are **groin fields**. Groins are generally made of wood, concrete, or rock piles, and placed in groups.

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

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

*Shoreline restoration.* See restore.

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

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

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

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

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

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

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

1. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
2. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.
3. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

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

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

**Solid waste.** Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, or wastes not specifically listed above.

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

**Steep slope (also “bluff”).** A topographic feature in which the slope is greater than 1 vertical to 1 horizontal (45° or 100% slope) and with a height from the toe of the slope greater than 10 feet.
Storm water. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

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

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

Structure setback. See setback.

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

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). Any development of which the total cost or fair market value exceeds $7,047 (or as adjusted for inflation by the office of financial management every 5 years), or any development which materially interferes with the normal public use of the water or shorelines of the state. See also definition of "development" and "exemption".

Substantially degrade. To cause significant ecological impact.

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

Terrestrial. Of or relating to land as distinct from air or water.

Transportation facilities. A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to streets, highways, bridges, causeways, bikeways, trails, railways, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

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

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

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

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

Vegetation Conservation Area or VCA. A vegetation conservation area (VCA) is an area along the shoreline where vegetation, especially native vegetation, contributing to the ecological function of shoreline areas must be protected, and where it has been removed or destroyed, should be restored. VCA’s are generally measured from the shoreline a specific width landward of and perpendicular to the shoreline.
Vessel. A floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

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

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

WAC. Washington Administrative Code.

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

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

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

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

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

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
1. The use has a functional requirement for a waterfront location such as the arrival or
   shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and
   the proximity of the use to its customers makes its services less expensive and/or
   more convenient.

_Weir_: A structure generally built perpendicular to the shoreline for the purpose of diverting water
or trapping sediment of other moving objects transported by water.

_Wetland category_. See chapter 3, section 6.

_Wetland delineation_. Identification of a wetland boundary pursuant to Section 15.24.040(C)
PAMC and the approved federal wetland delineation manual and applicable regional
supplements.

_Wetlands rating system_. See chapter 3, section 6.

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

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and
implementing rules shall also apply as used herein.
Chapter 7 - Administrative Provisions

A. Administrative Authority and Responsibility

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

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

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

1. Shoreline Administrator

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

a. Administer this Master Program;

b. Conduct a thorough review and analysis of shoreline substantial development permit applications. Make written findings and conclusions and approve, approve with conditions, or deny such permits in accordance with the policies and provisions of this Master Program, unless a public hearing or appeal is involved;

c. Grant or revise written permit exemptions from Shoreline Substantial Development Permit requirements of this Master Program (see Section B.2 below);

d. Determine compliance with the State Environmental Policy Act (Chapter 43.21C RCW; Chapter 197-11 WAC);

e. Specify the required application forms and submittal requirements including the type, details and number of copies;

f. Advise interested citizens and project proponents of the goals, policies, regulations and procedures of this Master Program;

g. Make administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act. When developing administrative interpretations of its shoreline master program, the City shall consult with the Department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines;

h. Collect applicable fees;

i. Determine that application submittals are substantially complete;

j. Make field inspections as necessary consistent with applicable standards for such.
k. Submit variance and conditional use permit applications and make findings and recommendations on such permits to the Hearing Examiner for consideration and action;

l. Assure that proper notice is given to appropriate persons and the public for all hearings;

m. Provide technical and administrative assistance to the Hearing Examiner as required for effective and equitable implementation of this Master Program and the Act;

n. Provide a summary report of the shoreline permits issued in the past calendar year to the City of Port Angeles Planning Commission and City Council;

o. Investigate, develop and propose amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies;

p. Seek remedies for alleged violations of this Master Program, the provisions of the Act, or of conditions of any shoreline permit issued by the City;

q. Coordinate information with affected agencies;

r. Review and grant permit revisions. If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, consistent with this Master Program and the Act, the Administrator may approve the revision.

s. Determine if a proposed development is one of public significance and/or could have a significant impact on the shoreline environment, and consider permit rescissions in accordance with RCW 90.58.140 (8). Upon making such a determination, the Administrator may forward the application for shoreline substantial development to the Hearing Examiner for a hearing and action; and

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

2. Hearing Examiner

The Hearing Examiner is vested with authority to:

a. Review public input on and approve, approve with conditions, or deny requests for variance permits, conditional use permits, shoreline substantial development permits (when a hearing is required) and permit rescissions after considering the findings and recommendations of the Administrator; provided that the Hearing Examiner’s decisions may be appealed to the State Shorelines Hearings Board as provided for in the Act.

b. Conduct public hearings as specified in the permit process or which have been requested by the Administrator.

c. Prepare written findings and conclusions to approve, deny or condition a permit based on the criteria established in this Master Program.

d. Where required by this Master Program or other City codes, require any applicant granted a shoreline permit to post a bond or other acceptable security with the City that ensures the applicant, or the applicant’s successors in interest will adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or
securities shall have a face value of at least 150 percent of the estimated development cost including attached conditions. Such bonds or securities must be approved by the City Attorney.

e. Consider the Administrator’s findings and conclusions pertinent to permit decisions in the case of an appeal made by interested parties or members of the public and render the City’s final decision.

3. Port Angeles Planning Commission
   a. Review and recommend to the City Council any revisions or amendments to the master program in accordance with the requirements of the Act and WAC 173-26-090.

4. Port Angeles City Council
   The Port Angeles City Council is vested with authority to:
   a. Review and act upon any recommendations of the Administrator, Hearing Examiner, and/or Planning Commission for amendments to or revisions of the program. The City Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendments to the program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.090 and Chapter 173-26 WAC.

B. Shoreline Substantial Development Permits and Exemptions

1. Substantial Development
   A substantial development permit must be obtained prior to undertaking “substantial development” as defined by the SMA and this Master Program.

   Some substantial developments are exempt from the shoreline substantial development permit (SSDP) process. Only the exemptions as fully described and listed in WAC 173-27-040 shall be authorized, as summarized below:
   a. **Low Cost or Value** – when the total cost or fair market value is lower than $7,047, as allowed by WAC 173-27-040(2)(a).
   b. **Normal Maintenance or Repair** – actions to keep existing structures in sound condition and prevent dilapidation, to address damage by accident, fire, or elements, and some replacement in limited situations, as allowed by WAC 173-27-040(2)(b).
   c. **Single Family Bulkhead** - for the sole purpose of protecting an existing single-family residence from loss or damage by erosion, as allowed by WAC 173-27-040(2)(c).
   d. **Emergency Action** - to protect property from damage by the elements due to an unanticipated and imminent threat to public health, safety, or the environment, as allowed by WAC 173-27-040(2)(d).
e. **Agriculture Operations** – common practices needed for farming, irrigation, and ranching activities, as allowed by WAC 173-27-040(2)(e).

f. **Navigation Aids** - navigational aids such as channel markers and anchor buoys, as allowed by WAC 173-27-040(2)(f).

g. **Single-family Home** - a single-family residence, no taller than 35’, with appurtenances for use by the applicant or their family, as allowed by WAC 173-27-040(2)(g).

h. **Residential Dock** - a single-user or community dock for private, noncommercial boating access by the owners or residents of single-family and multiple-family homes, as allowed by WAC 173-27-040(2)(h).

i. **Irrigation Systems** - canals, waterways, drains, reservoirs, or other facilities for the irrigation of lands, as allowed by WAC 173-27-040(2)(i).

j. **Marking Property Lines or Corners** - on state-owned lands, as allowed by WAC 173-27-040(2)(j).

k. **Agricultural Drainage & Diking** - system of dikes, ditches, drains, or other facilities, as allowed by WAC 173-27-040(2)(k).

l. **Energy Facilities** – projects with certification from the governor through the Energy Facility Site Evaluation Council process (RCW 80.50), as allowed by WAC 173-27-040(2)(l).

m. **Site Preparation** - exploration and investigation activities necessary to prepare a permit application, as allowed by WAC 173-27-040(2)(m).

n. **Aquatic Weeds** - removal or control of aquatic noxious weeds, as allowed by WAC 173-27-040(2)(n).


p. **Habitat & Fish Passage** - projects designed to improve fish or wildlife habitat or fish passage, as allowed by WAC 173-27-040(2)(p).

q. **ADA Retrofits** – altering an existing structure to provide physical access by individuals with disabilities.

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

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

The Administrator’s decision on a shoreline substantial development permit may be appealed to the Hearing Examiner as outlined in section A above. The Administrator’s decision shall not require a public hearing except in accordance with section A (1)(s).
2. Statement of Exemption

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

The Administrator’s decision on an exemption may be appealed to the Hearing Examiner as outlined in section A above.

C. Conditional Use Permits

1. Shoreline Conditional Use Permits

The Shoreline Administrator or otherwise authorized designee shall have the authority to make findings, conclusions, and recommendations on shoreline conditional use permits. The Hearing Examiner shall have the authority to hear and take action on applications for shoreline conditional use permits as authorized by section A above. The application for a shoreline conditional use permit shall be made on forms prescribed by the Shoreline Administrator and shall be processed pursuant to the PAMC. Review will be for purposes of determining consistency with:

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

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

2. Shoreline Conditional Use Permit Criteria

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

1. The proposed use will be consistent with the policies of the SMA and the policies of the City of Port Angeles Shoreline Master Program;
2. The proposed use will not interfere with the normal public use of public shorelines;
3. The proposed use of the site and design of the project will be compatible with other permitted uses within the area;
4. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
5. The public interest suffers no substantial detrimental effect.

b. Uses not classified or set forth in the master program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in 2a above, consistency with any other requirements for conditional uses in this master program.

c. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

d. Uses which are specifically prohibited by the master program may not be authorized as conditional uses.

e. All Shoreline Conditional Use Permits issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10). Appeals of Ecology decisions on shoreline conditional use permits shall be made to the Shoreline Hearings Board as specified in section E.4 below.

3. Compliance with Conditions

When plans are approved as part of a shoreline conditional use permit, modifications of the original plans may be made only after a review has been conducted by the Shoreline Administrator and approval granted by the designated hearing body. Revisions to permits shall be processed in accordance with section E 5 below.

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

D. Variances

1. Variances – Generally

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

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

2. Variance Criteria

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

a. Variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances, extraordinary circumstances must be shown, and the public interest shall suffer no substantial detrimental effect.

b. Variances for development that will be located landward of the ordinary high-water mark and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:

1. The strict application of the bulk, dimensional, or performance standards as set forth in the master program preclude or significantly interfere with reasonable use of the property;
2. The hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the master program and not, for example, from deed restrictions or the applicant’s own actions;
3. The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;
4. The variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and
5. The public interest will suffer no substantial detrimental effect.

c. Variances for development located waterward of the ordinary high-water mark or within any wetland may be authorized provided the applicant can demonstrate all of the criteria specified in 2 b above and that the public rights of navigation and use of the shorelines will not be adversely affected.

d. Uses which are specifically prohibited by the master program may not be authorized as a variance.

e. In granting of all variances, consideration shall be given to the cumulative impact of
additional requests or like actions in the area.

f. All shoreline variances issued by the City must be submitted to the Department of Ecology for its approval or disapproval in accordance with RCW 90.58.140 (10). Appeals of Ecology decisions on shoreline variances shall be made to the Shoreline Hearings Board as specified in section E.4 below. Appeals of Ecology decisions on variances shall be made to the Shoreline Hearings Board as specified in section E.4 below.

E. Permit Application

1. Application Process

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

a. The applicant shall provide, at a minimum, the following information:
   1. The most recently updated Joint Aquatics Resource Permit Application (JARPA) form when determined applicable by the Shoreline Administrator
   2. The State Environmental Policy Act (SEPA) checklist when determined applicable by the Shoreline Administrator.
   3. The filing fee in an amount as established in PAMC 3.70 payable at the time of the application.

b. A complete application and supporting documents for all shoreline permits shall be submitted by the property owner, lessee, contract purchaser or other person entitled to possession of the property, or by an authorized agent to the Shoreline Administrator for processing and review. Any deficiencies in the application shall be corrected by the applicant prior to further processing.

c. Permit Application Review
   1. Notice of Application and Permit Application Review shall occur in accordance with WAC 173-27-110 and PAMC 18.02. Public comment periods shall be 30 days in length in accordance with RCW 90.58.140 (4).

d. Public Hearings
   1. Public hearings shall be held as requested or required in accordance with sections A-D above.
   2. A written notice of the public hearing at which the Hearing Examiner will consider the application shall be mailed or delivered to property owners within at least 300 feet of the subject property, posted on the site and published in the local newspaper per WAC 173-27-110 and PAMC 17.96.140.
   3. The Hearing Examiner shall have the power to prescribe rules and regulations for the conduct of hearings before it.
   4. The Hearing Examiner shall review permit applications and make a decision
based on any or all of the following:

i. The application materials;

ii. SEPA documentation (if required);

iii. Written and oral comments from interested persons during the published public comment period;

iv. Evidence presented at the public hearing;

v. The findings, conclusions, and the recommendations of the Administrator;

vi. This Shoreline Master Program; and

vii. The Shoreline Management Act, RCW 90.58, and its supporting WACs.

5. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Hearing Examiner may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing, and no further notice is required.

2. Permit Filing Procedures

a. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.

1. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

2. Consistent with RCW 90.58.140(6), the state’s Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:

i. For projects that only require a Substantial Development Permit: the date that Ecology receives the City decision.

ii. For a Conditional Use Permit (CUP) or Variance: the date that Ecology’s decision on the CUP or Variance is transmitted to the applicant and City.

iii. For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology’s decision on the CUP or Variance is transmitted to the applicant and the City.

3. Time Requirements

a. The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.
b. Construction pursuant to permits issued shall not begin and is not authorized until twenty-one (21) days from the date of filing as provided in RCW 90.58.140 (5) and (6); or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing.

c. Construction activities shall commence or, the use or activity shall commence within two years of the effective date of the permit. The City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date, and notice of the proposed extension is given to parties of record on the permit and to the Department of Ecology.

d. Authorization to conduct development activities will terminate five years after the effective date of the permit. The City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

e. The effective date of a permit shall be the date of filing as provided in RCW 90.58.140(6).

f. The permit time periods in provisions 3 c and d above do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

4. Appeals

a. Any decision or ruling made by the Administrator on a substantial development permit, master program policy or regulation interpretation, permit revision, exemption or other action within the purview and responsibility of the Administrator may be appealed to the Hearing Examiner as outlined in section A above.

b. Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing of the decision as defined in RCW 90.58.140 (6). Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of the City, the petitioner shall serve copies of the petition on the Department, the office of the attorney general, and the City. Request shall be in the form required by the rules for practice and procedure before the Hearings Board.

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

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

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

a. No additional over-water construction will be allowed except pier, dock, or float construction may be increased by five hundred square feet or ten percent of the original permit dimensions, whichever is less.

b. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit. New structures not shown on the original site plan, however, require a new permit.

c. Landscaping may be added or revised without necessitating a new permit if consistent with the conditions attached to the original permit and with the shoreline master program.

d. The use authorized pursuant to the original permit is not changed.

e. No adverse environmental impact will be caused by the project revision.

f. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted by the original permit or a part thereof.

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

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

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

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

1. Nonconforming Structures and Development
   a. Legally established nonconforming structures being used for a conforming use may be maintained and repaired and may be enlarged or expanded provided such structure is not expanded in any way that increases its nonconformity.
   b. A nonconforming structure that is moved any distance must be brought into conformance with the master program and the Act when feasible, and at a minimum be made more conforming.
   c. A legal nonconforming building or structure that is damaged or destroyed by any means may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as:
      1. Damage does not exceed 75 percent of the replacement cost at the time of destruction. Any such structure that is damaged beyond this 75 percent value may only be rebuilt/relocated in conformance to all applicable provisions of this SMP.
      2. Restoration or reconstruction is started within nine months and is completed within 24 months of the date that damage or destruction occurred, or, if such date is unknown, then the date that the damage or destruction is reported, or reasonably capable of being reported, to the City; and
      3. All standard building permits that are required are obtained prior to the start of restoration or reconstruction.
   d. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

2. Nonconforming Uses
   a. Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded. Existing, non-water oriented industry is the only exception; such uses may be permitted to expand upland with approval of a conditional use permit. See chapter 5, section 5 (c).
   b. If a nonconforming use is discontinued for any period of one year or more, any subsequent use shall be conforming, unless re-establishment of the use is authorized through a conditional use permit, which must be applied for within one year of discontinuance. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire. A water dependent use which is episodically or seasonally dormant shall not
be considered abandoned.

c. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or non-conforming status of the building or structure in which it is housed.

d. A legal, conforming building or structure housing a nonconforming use shall be permitted to be repaired, altered, remodeled, or reconstructed providing said repairs, alteration, remodeling, or reconstruction do not expand the building space or site area used by a nonconforming use. For existing non-water oriented industry, see F 2 (a) above.

3. Nonconforming Lots

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

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

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

H. Enforcement and Penalties

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

1. Civil Penalty

a. Action: The City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the state shorelines that conflict with the provisions of the Act and this master program and to otherwise enforce the provisions of the Act and the master program.

b. Non-Compliance: Any person who fails to conform to the terms of a permit issued under this master program, or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the master program, or who fails to comply with a cease and desist order issued as outlined below shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit
shall constitute a separate violation.

c. Aiding and Abetting: Any person who, through an act of commission or omission procedures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

d. Notice of Penalty: The City and/or the Department of Ecology may serve written notice of the penalty, either by certified mail with return receipt requested or by personal service, on the person incurring the violation. The notice shall describe the violation, approximate date(s) of the violation, and shall order the acts constituting the violation to cease and desist, or in appropriate cases, require necessary corrective action within a specific time.

e. Remission and Joint Order: Within 30 days of the date of receipt of the penalty, the person incurring the penalty may appeal in writing such penalty. Upon receipt of the application, the City may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Appeals of any penalty imposed by the City pursuant to this section shall be subject to review by the City Council. In accordance with RCW 90.58.210 (4), any penalty jointly imposed by the City and the Department of Ecology may be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the City and the Department of Ecology, it may be remitted or mitigated only upon such terms as both the City and the Department agree.

f. Effective Date: The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.

g. Compliance: Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

2. Delinquent Permit Penalty

Permittees applying for a permit after commencement of a use or activity may, at the discretion of the City, be required to pay a delinquent permit penalty not to exceed three times the standard permit fee. A person who has caused, aided, or abetted a violation within two years after the issuance of a regulatory order, notice of violation, or penalty by the City or the Department may be subject to a delinquent permit penalty not to exceed ten times the standard permit fee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

3. Property Lien

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

4. Mandatory Civil Penalties

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

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

6. General Criminal Penalty
In addition to incurring civil liability under Section 1, any person found to have willfully engaged in activities on the shorelines of the State in violation of the provisions of the Act or the master program shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for not more than 90 days for each separate offense, or by both such fine and imprisonment. Provided that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars ($500.00) nor more than ten thousand dollars ($10,000.00).

7. Violator Liabilities - Damages, Attorney's Fees/Costs
Any person subject to the regulatory program of the Act or the master program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provisions to assure that restoration will be accomplished within reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

I. Amendments to this Master Program
1. The City shall conduct a periodic review of its master program as required by RCW 90.58.080 (4)(b). Following the required periodic review, the City shall, if
necessary, revise its master program to assure:

a. That the master program complies with applicable law and guidelines in effect at the time of the review; and

b. Consistency of the master program with the comprehensive plan, development regulations, and other local requirements.

c. Reflect any recent changes in local circumstance, new information, or improved data.

2. The City may also revise this master program outside the required periodic review cycle by a locally-initiated amendment.

3. Master program amendments that are locally-initiated or resultant of a periodic review may opt to use either the standard local process per WAC 173-26-100, or the optional joint review process of WAC 173-26-104.

4. Amendments to the SMP become effective 14 days from the date of Ecology’s written notice of final approval.
Appendix A – Shoreline Environment Designation
Maps and Boundary Descriptions

As established by SMP 1.C and Chapter 2, the following maps include an overview map of all shorelines of the state in the City, and twenty-four individual maps depicting the shoreline environment designation (SED) location for Shoreline Segments A – P, from west to east.

In-water SEDs (Aquatic-Harbor, and Aquatic-Conservancy) are not depicted but apply waterward of ordinary high water mark (OHWM) as described in Chapter 2. Upland SEDs apply landward from OHWM measured horizontally and perpendicular from the water.

Shoreline jurisdiction boundaries depicted on these maps are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. In the event of a mapping error, the City will rely on common boundary descriptions and the criteria contained in RCW 90.58.030 (2) rather than an incorrect or outdated map. Map corrections may be made by SMP amendment. Additional site-specific evaluation may be needed to confirm or modify the information shown on these maps. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information.

Table of Contents - Click the links below to view maps in Appendix A or see Appendix A – Shoreline Environment Designation Maps and Boundary Descriptions provided separately.

Official Shoreline Map of Environment-Designation
Segment A: Urban Conservancy - Low Intensity
Segment B: Shoreline Residential
Segment C: High Intensity – Industrial
Segment D: Urban Conservancy – Recreation
Segment E: High Intensity – Maritime
Segment F: Urban Conservancy – Recreation
Segment F: Shoreline Residential
Segment G: Urban Conservancy – Low Intensity
Segment H: High Intensity - Industrial
Segment I: High Intensity - Industrial
Segment J: High Intensity - Maritime
Segment K: Urban Conservancy - Recreation
Segment K: High Intensity – Urban Uplands
Segment L: High Intensity – Mixed Use
Segment M: High Intensity – Mixed Use
Segment M: High Intensity – Urban Uplands
Segment M: Urban Conservancy - Recreation
Segment N: Urban Conservancy - Recreation
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Segment N: Shoreline Residential
Segment O: High Intensity – Mixed Use
Segment P: Urban Conservancy - Recreation
Segment P: Shoreline Residential
Shoreline P: Shoreline Residential Subarea
Appendix B – Shoreline Critical Areas Regulations

USER NOTE: Please see Chapter 3 for important exceptions and modifications regarding the application of Appendix B in shoreline jurisdiction.
Appendix A – Shoreline Environment Designation Maps and Boundary Descriptions

As established by SMP 1.C and Chapter 2, the following maps include an overview map of all shorelines of the state in the City, and twenty-four individual maps depicting the shoreline environment designation (SED) location for Shoreline Segments A – P, from west to east.

In-water SEDs (Aquatic-Harbor, and Aquatic-Conservancy) are not depicted but apply waterward of ordinary high water mark (OHWM) as described in Chapter 2. Upland SEDs apply landward from OHWM measured horizontally and perpendicular from the water.

Shoreline jurisdiction boundaries depicted on these maps are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. In the event of a mapping error, the City will rely on common boundary descriptions and the criteria contained in RCW 90.58.030 (2) rather than an incorrect or outdated map. Map corrections may be made by SMP amendment. Additional site-specific evaluation may be needed to confirm or modify the information shown on these maps. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information.

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Segment K: High Intensity – Urban Uplands
Segment L: High Intensity – Mixed Use
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Segment O: High Intensity – Mixed Use
Segment P: Urban Conservancy - Recreation
Segment P: Shoreline Residential
Shoreline P: Shoreline Residential Subarea
Appendix A: Shoreline Environment Designation Maps and Boundary Descriptions
Shoreline Segment A: Urban Conservancy - Low Intensity

SED Location: The entirety of Segment A (the entirety of Reach 1 and a portion of Reach 2), beginning in the west at the centerline of Dry Creek and ending at the eastern boundary of the "Q" Street right of way.

SED Purpose: To protect and restore ecological functions, open spaces, and other sensitive lands while allowing some low intensity uses. This environment protects shoreline areas that include relatively intact or minimally degraded shoreline functions when compared to the rest of the shoreline areas in the City.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment B: Shoreline Residential

SED Location: The entirety of Segment B (a portion of Reach 2) beginning in the west at the Eastern boundary of the "Q" Street right-of-way and ending at the northern boundary of Parcel No. 0630-0094-0003 and the northeastern boundary of Parcel No. 0630-0010-2925.

SED Purpose: To allow residential development, uses and redevelopment while ensuring that existing ecological functions are not diminished and avoiding foreseeable risk to residential structures from hazardous geological conditions.

Hyperlink: Port Angeles SMP: Appendix A

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment C: High Intensity - Industrial

SED Location: The entirety of Segment C (the entirety of Reach 3) beginning at the western edge of Parcel No. 0630-0001-4605 and ending at the extension of the eastern edge of DNR lease No. 29.

SED Purpose: To provide for the continued use and development of high-intensity water-oriented heavy and larger scale industrial or port uses, with the potential to allow supporting uses. This designation is also intended to protect existing ecological functions and provide for restoration and public access in appropriate locations and situations.

Hyperlink: https://gis.cityofpa.us/Images/Property/Surveys/Vol41/1021913.pdf

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment D: Urban Conservancy - Recreation

SED Location: The entirety of Segment D (a portion of Reaches 4 and 5) contains the north and south shore of Ediz Hook, beginning in the west at the eastern boundary of DNR lease No. 29 and ending at the extension of western boundary of Parcel 0630-0000-0410.

SED Purpose: To protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. Restoration activities are a preferred action in this designation.

Hyperlink: https://gis.cityofpa.us/Images/Property/Surveys/Vol41/1021913.pdf

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment E: High Intensity - Maritime

SED Location: The entirety of Segment E (a portion of both Reach 5), beginning at the western edge of Parcel No. 0630-0000-0410 (135 feet east of the Ediz Hook Radio Towers) encompassing the entirety of the Ediz Hook shoreline eastwards.

SED Purpose: To provide for higher-intensity shoreline uses featuring a mix of water-oriented commercial, transportation, recreation, industrial uses, boat building and repair, vessel berthing, marina facilities, the Coast Guard base, and associated support facilities.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: Port Angeles SMP: Appendix A
Shoreline Segment F: Urban Conservancy - Recreation

SED Location: The portion of the Segment F along the lagoon not on property with residential land uses (a portion of Reach 7), beginning in the west at a north/south boundary defined as 275 feet west of the lagoon and 100 feet due north of the northern boundaries of Parcel Nos. 0630-0010-2905 and 2900 and ending at the centerline of the “K” Street right of way.

SED Purpose: To protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. Restoration activities are a preferred action in this designation.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment F: Shoreline Residential

SED Location: The portion of the Segment F south of the lagoon on property with residential land uses (a portion of Reach 7).

SED Purpose: To allow residential development, uses and redevelopment while ensuring that existing ecological functions are not diminished and avoiding foreseeable risk to residential structures from hazardous geological conditions.

Hyperlink: Port Angeles SMP: Appendix A

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment G: Urban Conservancy - Low Intensity

SED Location: Wetlands Between Marine Drive and Hill Street at the base of the marine bluff.

SED Purpose: To protect and restore ecological functions, open spaces, and other sensitive lands while allowing some low intensity uses. This environment protects shoreline areas that include relatively intact or minimally degraded shoreline functions when compared to the rest of the shoreline areas in the City.

Hyperlink: Port Angeles SMP: Appendix A

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment H: High Intensity - Industrial

SED Location: The entirety of Segment H (a portion of Reach 6), beginning at the western edge of DNR lease No. 29 following the north side of the Lagoon and ending at the line from lagoon to 200 ft west of the lagoon and 100 feet due north of northern edges of Parcel Nos. 0630-0010-2905 and 0630-0010-2900.

SED Purpose: To provide for the continued use and development of high-intensity water-oriented heavy and larger scale industrial or port uses, with the potential to allow supporting uses. This designation is also intended to protect existing ecological functions and provide for restoration and public access in appropriate locations and situations.

Hyperlink: https://gis.cityofpa.us/Images/Property/Surveys/Vol41/1021913.pdf

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment I: High Intensity - Industrial

SED Location: The entirety of Segment I (a portion of Reach 6, 7 and 8a), beginning at the centerline of the “L” Street right of way extension and ending that the eastern edge of Parcel No. 0630-0001-1750.

SED Purpose: To provide for the continued use and development of high-intensity water-oriented heavy and larger scale industrial or port uses, with the potential to allow supporting uses. This designation is also intended to protect existing ecological functions and provide for restoration and public access in appropriate locations and situations.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment J: High Intensity - Maritime

SED Location: The entirety of Segment J (The entirety of Reach 8b and 8c and a portion of Reach 8d) beginning at the eastern edge of Parcel No. 0630-0001-1750 and ending at the centerline of the Valley Street right of way.

SED Purpose: To provide for higher-intensity shoreline uses featuring a mix of water-oriented commercial, transportation, recreation, industrial uses, boat building and repair, vessel berthing, marina facilities, the Coast Guard base, and associated support facilities.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment K: Urban Conservancy - Recreation

SED Location: The northern portion of segment K (a portion of Reach 8d) along the eastern shore of the Valley creek estuary and north of the northern boundary of the Marine Drive and Front Street rights of way, beginning in the west at the centerline of the Valley Street right of way and ending at the western boundary of the Cherry Street right of way.

SED Purpose: To protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. Restoration activities are a preferred action in this designation.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: [Port Angeles SMP: Appendix A](#)
Shoreline Segment K: High Intensity - Urban Uplands

SED Location: The southern half of Segment K (a portion of Reach 8d), beginning at the shared northern boundaries of the Front Street and Parcel No. 0630-0007-9200 and Marine Drive right of way and Parcel No. 0630-0000-1305 and within 200 ft of the OHWM and ending in the east at the centerline of the Valley Creek Street right of way extension, is designated.

SED Purpose: To manage uses on sites within shoreline jurisdiction that are physically and functionally separated from the shoreline by a public right-of-way or public property and do not have direct access to the water. Areas separated from the shoreline that are predominantly single family residential are not included in this designation.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: Port Angeles SMP: Appendix A
Shoreline Segment L: High Intensity - Mixed Use

SED Location: The entirety of Segment L (a portion of Reach 8d), beginning at the western boundary of the Cherry Street right of way and ending at the centerline of the Lincoln Street right of way.

SED Purpose: To provide for a wide variety of urban uses and activities supporting vibrant shoreline areas as a key component of Port Angeles’ character and quality of life. This designation accommodates public access and water-oriented commercial, transportation, institutional, and recreational uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: Port Angeles SMP: Appendix A
Shoreline Segment M: High Intensity - Mixed Use

SED Location: The northernmost portion of Segment M (a portion of Reach 8d), north of the southern boundary of the Railroad Avenue right of way beginning in the west along the centerline of the Lincoln Street right of way north, including the Public Pier and Hollywood Beach at the eastern boundary of the Chase Street right of way.

SED Purpose: To provide for a wide variety of urban uses and activities supporting vibrant shoreline areas as a key component of Port Angeles’ character and quality of life. This designation accommodates public access and water-oriented commercial, transportation, institutional, and recreational uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment M: High Intensity - Urban Uplands

SED Location: The southernmost portion of Segment M (a portion of Reach 8d), beginning east of the centerline of the Lincoln Street right of way south of the southern boundary of the Railroad Avenue right of way and ending at the western boundary of the Vine Street right of way.

SED Purpose: To manage uses on sites within shoreline jurisdiction that are physically and functionally separated from the shoreline by a public right-of-way or public property and do not have direct access to the water. Areas separated from the shoreline that are predominantly single family residential are not included in this designation.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment M: Urban Conservancy - Recreation

SED Location: The northeastern most portion of Segment M (a portion of Reach 9), north of the southern boundary of the Railroad Avenue right of way and below the top of the marine bluff beginning at the eastern boundary of the Chase Street right of way and ending at the western boundary of the Vine Street right of way.

SED Purpose: To protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. Restoration activities are a preferred action in this designation.

Hyperlink: Port Angeles SMP: Appendix A

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment N: Urban Conservancy - Recreation

**SED Location:** The portion of Segment N below the marine bluff (a portion of Reach 9) beginning at the western boundary of the Vine Street right of way and ending at the centerline of the Water/Caroline Street alley right of way.

**SED Purpose:** To protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. Restoration activities are a preferred action in this designation.

**Disclaimer:** Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment N: High Intensity - Urban Uplands

SED Location: The northeastern portion of Segment N (a portion of Reach 9), consisting of Parcel 063-0058-0130 (OMC) at the top of the Marine Bluff within the 200ft of the OHWM.

SED Purpose: To manage uses on sites within shoreline jurisdiction that are physically and functionally separated from the shoreline by a public right-of-way or public property and do not have direct access to the water. Areas separated from the shoreline that are predominantly single family residential are not included in this designation.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: Port Angeles SMP: Appendix A
Shoreline Segment N: Shoreline Residential

SED Location: A portion of Segment N above the marine bluff (a portion of Reach 9) beginning at the western boundary of the Vine Street right of way and ending at the eastern boundary of the Race Street right of way.

SED Purpose: To allow residential development, uses and redevelopment while ensuring that existing ecological functions are not diminished and avoiding foreseeable risk to residential structures from hazardous geological conditions.

Hyperlink: Port Angeles SMP: Appendix A

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment O: High Intensity - Mixed Use

SED Location: The entirety of Segment O (a portion of Reach 10), beginning in the west at the centerline of the Water/Columbia Street alley and ending at the centerline of Ennis Creek.

SED Purpose: To provide for a wide variety of urban uses and activities supporting vibrant shoreline areas as a key component of Port Angeles’ character and quality of life. This designation accommodates public access and water-oriented commercial, transportation, institutional, and recreational uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
Shoreline Segment P: Urban Conservancy - Recreation

SED Location: A portion of Segment P below the marine bluff and not including the Lees Reach subarea (a portion of Reaches 10 and 11) beginning in the west at the eastern shore of Ennis Creek and ending at the eastern limit of the Port Angeles Urban Growth Area.

SED Purpose: To protect and restore ecological functions on sensitive lands in urban and developed settings and to provide public access and a variety of recreation and park uses. Restoration activities are a preferred action in this designation.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: Port Angeles SMP: Appendix A
Shoreline Segment P: Shoreline Residential

SED Location: A portion of Segment P above the marine bluff and not including the Lees Reach subarea (a portion of Reach 11) beginning in the west at the eastern shore of Ennis Creek and ending at the eastern limit of the Port Angeles Urban Growth Area.

SED Purpose: To allow residential development, uses and redevelopment while ensuring that existing ecological functions are not diminished and avoiding foreseeable risk to residential structures from hazardous geological conditions.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.

Hyperlink: Port Angeles SMP: Appendix A
Shoreline Segment P: Shoreline Residential - Subarea

SED Location: A portion of Segment P above the marine bluff (a portion of Reach 11) beginning in the west at the western edge of Parcel No. 0630-1258-1015 and ending at the eastern edge of Parcel No. 0630-1264-0400.

SED Purpose: To allow residential development, uses and redevelopment while ensuring that existing ecological functions are not diminished and avoiding foreseeable risk to residential structures from hazardous geological conditions.

Disclaimer: Shoreline jurisdiction as shown is approximate and for planning purposes only. Shoreline jurisdiction will be determined at the time of project review.
As established at SMP Section 3.3, specific portions of PAMC Title 15, as of the dated versions indicated below, are provided herein for application in shoreline jurisdiction.

- PAMC 15.02 Definitions (Ord. 3179; 12/17/2004);
- PAMC 15.12 Flood Damage Prevention (Ord. 3238; 3/17/2006);
- PAMC 15.20 Environmentally Sensitive Areas Protection (Ord. 3570; 12/20/2016); and
- PAMC 15.24 Wetlands Protection (Ord. 3582; 6/20/2017).
CHAPTER 15.02 - DEFINITIONS

15.02.010 - Definitions.

These definitions shall apply to Chapters 15.20, 15.24 and 15.28, additional definitions are located in individual chapters.

A.  *Best available science.* That scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

B.  *Best management practices* means conservation practices or systems of practices and management measures that:

1.  Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
2.  Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands;
3.  Protect trees and vegetation designated to be retained during and following site construction; and
4.  Provide standards for proper use of chemical herbicides within critical areas.

C.  *Critical habitat* means habitat necessary for the survival of endangered, threatened, rare, sensitive, or monitor species as identified under the Endangered Species Act.

D.  *Development* means any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the City that binds land to specific patterns of use, including zoning changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

1.  Interior building improvements.
2.  Exterior structure maintenance activities, including painting and roofing.
3.  Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding.
4.  Maintenance of the following existing facilities that does not expand the affected areas: individual utility service connections; and individual cemetery plots in established and approved cemeteries.

E.  *Engineer* means a professional civil engineer, licensed by and in good standing in the State of Washington.

F.  *Erosion* means the wearing away of the land or ground surface by the action of wind, water, ice, gravity, or any combination thereof.

G.  *Exotic* means any species of plant or animal that are not native to the area.

H.  *Frequently flooded areas* means lands in the floodplain subject to a one percent or greater chance of flooding in any given year (the 100-year storm flood). These areas include but are not limited to streams, rivers, lakes, coastal areas, wetlands, and the like.

I.  *Historic condition* means the condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.
J. **Hydraulic project approval (HPA)** means a permit issued by the state Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

K. **Indigenous** means any species of plant or animal native to an area. Not introduced.

L. **Infiltration** means the downward entry of water into the immediate surface of soil.

M. **Joint aquatic resource permits application (JARPA)** means a single application form that may be used to apply for hydraulic project approvals, shoreline management permits, Department of Natural Resources use authorization, and Army Corps of Engineers permits.

N. **Land-disturbing activity** means any use of the land that results in:
   1. Change in the natural cover or topography that exposes soils or
   2. May cause or contribute to erosion or sedimentation.
   This does not include nondestructive vegetation trimming.

O. **Marine bluffs** means coastal features that resulted from wave erosion undercutting uplands located adjacent to the shoreline, creating vertical cliffs that are an important source of sediment for coastal drift processes and/or the landforms created by these processes.

P. **Native** means any species of plants or animals that are indigenous to the area.

Q. **Nondestructive vegetation trimming** means the trimming, or pruning of trees, shrubs, or plants, that does not harm the continued life and health of the plant;

R. **Priority habitats** means habitat types or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant species, a described successional stage, or a specific structural element. (WAC 173-26-020(34).

S. **Puget Sound** means all salt waters of the State of Washington inside the international boundary line between the State of Washington and the Province of British Columbia, lying east of 123 degrees, 24 minutes west longitude and includes the Strait of Juan de Fuca.

T. **Qualified professional** means a person with experience and training in the applicable critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field and two years of related professional work experience.
   1. A qualified professional for habitats or wetlands must have a degree in biology, marine biology, wetland biology, habitat ecology.
   2. A qualified professional for a geological hazard must be a professional civil engineer or geologist, licensed in the State of Washington.
   3. A qualified professional for tree maintenance and tree pruning must be an arborist certified by the International Society of Arboriculture.

U. **Topping or tree topping** means the indiscriminate cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role and is harmful to the life and health of the plant.

V. **Viewshed enhancement** means the removal or thinning of trees or vegetation to enhance a view when proposed in ravine and marine bluff buffers so long as such alterations will not:
   1. Increase geological hazards such as erosion potential, landslide potential, or seismic hazard potential;
   2. Adversely affect significant fish and wildlife habitat areas;
   3. Through thinning, remove more than 30 percent of the live branches of a tree;
   4. Include felling, topping, or removal of trees in critical areas.
Viewshed enhancement does not include nondestructive trimming of vegetation as defined in this title.

(Ord. 3179 § 2, 12/17/2004)

CHAPTER 15.12 - FLOOD DAMAGE PREVENTION

ARTICLE I. - GENERAL PROVISIONS

15.12.010 - Title.

This chapter may be cited as the Flood Damage Prevention Chapter of the City of Port Angeles.

(Ord. 2091 § 1, 8/9/1980)

15.12.020 - Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas of the City, by provisions designed:

A. To protect human life and health;
B. To minimize expenditure of public money and costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding, and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that those who occupy areas of special flood hazard assume responsibility for their actions;
H. To assure the availability of flood insurance within the City of Port Angeles.

(Ord. 2514 § 1, 12/30/1988; Ord. 2445 § 1, 6/23/1987; Ord. 2091 § 2, 8/9/1980)

15.12.030 - General provisions.

A. Lands to which this chapter applies: This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Port Angeles.
B. Basis for establishing the areas of special flood hazard: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled Flood Insurance Study for the City of Port Angeles, dated February, 1980, and revised September 28, 1990, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and Flood Insurance Rate Map(s) are on file at the office of the City Clerk, 321 East Fifth Street, Port Angeles, Washington 98362.

15.12.040 - Compliance required.

No structure or land shall hereafter be constructed, located, extended, converted or altered without compliance with the terms of this chapter as well as all other applicable regulations.

(Ord. 2091 § 5, 8/9/1980)

15.12.050 - Interpretation and application.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and
C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2091 § 7, 8/9/1980)

15.12.060 - More stringent regulations to apply in case of conflict.

Should the provisions of this chapter and any other ordinance, easement, covenant or deed conflict or overlap, whichever regulation imposes the more stringent regulations shall prevail.

(Ord. 2091 § 6, 8/9/1980)

15.12.070 - Disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes; it is based on scientific and engineering considerations. Larger floods can, and will, occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flood damages. This chapter shall not create liability on the part of the City, any employee or officer thereof, or the Federal Insurance Administration, during any flood damages that may result from a reliance on this chapter, or any administrative decision made hereunder.

(Ord. 2091 § 8, 8/9/1980)

ARTICLE II. - DEFINITIONS

15.12.075 - Appeal.

"Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

(Ord. 3238 § 1, 3/17/2006; Ord. 2445 § 2 (part), 6/23/1987)

15.12.076 - Area of shallow flooding.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). AO Zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow
may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

(Ord. 3238 § 1, 3/17/2006; Ord. 2514 § 2, 12/30/1988)

15.12.080 - Area of special flood hazard.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.


15.12.081 - Baseflood.

"Baseflood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letters A or V.

(Ord. 3238 § 1, 3/17/2006)

15.12.082 - Basement.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

(Ord. 3238 § 1, 3/17/2006)

15.12.090 - Breakaway wall.

"Breakaway wall" means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.


15.12.100 - Coastal high hazard area.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1—30, VE or V.

(Ord. 3238 § 1, 3/17/2006; Ord. 2091 § 3 (part), 8/9/1980)

15.12.102 - Critical facility.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.
15.12.104 - Cumulative substantial damage.

"Cumulative substantial damage" means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

15.12.110 - Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

15.12.112 - Elevation certificate.

"Elevation certificate" means the official form (FEMA Form 81-31) used to track development provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with section B. completed by community officials.

15.12.114 - Elevated building.

"Elevated building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

15.12.116 - Existing manufactured home park or subdivision.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

15.12.118 - Expansion to an existing manufactured home park or subdivision.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
15.12.120 - Flood or flooding.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or
B. The unusual and rapid accumulation of runoff of surface waters from any source.

15.12.130 - Flood Insurance Rate Map (FIRM).

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

15.12.140 - Flood Insurance Study (FIS).

"Flood Insurance Study" (FIS) means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

15.12.150 - Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

15.12.155 - Increased cost of compliance.

"Increased cost of compliance" means a flood insurance claim payment up to $30,000.00 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage." (More information can be found in FEMA ICC Manual 301.)

15.12.160 - Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is
not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at 15.12.270(A)1. 

(Ord. 2445 § 2 (part), 6/23/1987)

15.12.163 - Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle. 

(Ord. 3238 § 1, 3/17/2006; Ord. 2445 § 2 (part), 6/23/1987)

15.12.166 - Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. 

(Ord. 2445 § 2 (part), 6/23/1987)


"New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter. 

(Ord. 2445 § 2 (part), 6/23/1987)

15.12.185 - New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations. 

(Ord. 3238 § 1, 3/17/2006)

15.12.187 - Recreational vehicle.

"Recreational vehicle" means a vehicle, 

A. Built on a single chassis; 
B. 400 square feet or less when measured at the largest horizontal projection; 
C. Designed to be self-propelled or permanently towable by a light duty truck; and 
D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. 

(Ord. 3238 § 1, 3/17/2006)
15.12.190 - Start of construction.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.


15.12.200 - Structure.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.


15.12.205 - Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. 3238 § 1, 3/17/2006)

15.12.210 - Substantial improvement.

"Substantial improvement" means any repairs, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commenced, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

A. Any project for improvement of a structure to correct pre-cited existing violations of State or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

15.12.215 - Variance.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 2445 § 2 (part), 6/23/1987)

15.12.216 - Water dependent.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation.

(Ord. 2514 § 2, 12/30/1988)

ARTICLE III. - ADMINISTRATION

15.12.220 - Duties of Director of Public Works and Utilities.

The Director of Public Works and Utilities shall be primarily responsible for the administration and implementation of this chapter. The Director of Public Works and Utilities shall perform the following duties:

A. Review all development permits other than for subdivisions, short subdivisions and planned residential developments within flood hazard zones to determine:
   1. That the permit requirements of this chapter have been satisfied;
   2. That all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required;
   3. If the proposed development is located in the floodway, and if so, located to assure that the encroachment provisions of this chapter are complied with.

B. When base flood elevation data has not been provided in accordance with Section 15.12.030 - General Provisions, the Director of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer specific standards and floodways.

C. Obtain and record the following information:
   1. Where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or required as in PAMC 15.12.220(B), obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
   2. For all new or substantially improved floodproofed non-residential structures:
      a. Verify and record the actual elevation in relation to mean sea level to which the structure was flood proofed; and
      b. Maintain the floodproofing certifications required by this chapter.

D. Maintain for public inspection all records pertaining to the provisions of this chapter.

E. Notify adjacent communities and the office of the State Department of Ecology prior to any alteration or relocation of any watercourse, and submit evidence of such notification to the Federal Insurance Administration.
F. Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

G. Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in section 15.12.240.


15.12.230 - Duties of Director of Community and Economic Development.

The Director of Community and Economic Development shall perform the following duties:

A. Review all permits for subdivisions, short subdivisions or planned residential developments within flood hazard zones to determine:
   1. That the permit requirements of this chapter have been satisfied;
   2. That all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

B. Transmit to the Department of Public Works and Utilities all information required under the terms of this chapter.

(Ord. 2091 § 11, 8/9/1980)

15.12.235 - Variance procedure.

A. Appeal Board:
   1. The Board of Adjustment as established by the City of Port Angeles shall hear and decide appeals and requests for variances from the requirements of this chapter.
   2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Public Works and Utilities in the enforcement or administration of this chapter.
   3. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court of Clallam County, as provided in Chapter 2.52 PAMC.
   4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
      a. The danger that materials may be swept onto other lands to the injury of others;
      b. The danger to life and property due to flooding or erosion damage;
      c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
      d. The importance of the services provided by the proposed facility to the community;
      e. The necessity to the facility of a water front location, where applicable;
      f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
      g. the compatibility of the proposed use with existing and anticipated development;
h. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of subsection A.(4) and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6. The Director of Public Works and Utilities shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances:

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a - k) in subsection A.(4) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection A.(4), or conflict with existing local laws or ordinances.

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection B.(1), and otherwise complies with the general standards.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
ARTICLE IV. - REQUIREMENTS AND STANDARDS

15.12.240 - Development permit required—Application requirements.

A. A development permit shall be required before construction or development within an area of special flood hazard established in PAMC 15.12.030B. If a permit for any development is required under another City ordinance, the development permit shall be combined with that permit. The permit shall be for all structures including manufactured homes, as set forth in the "definitions", and for all development, including fill and other activities, also as set forth in the "definitions".

B. The application for development permit shall be made on forms furnished by the Department of Public Works. The application may include but shall not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information shall be required:

1. Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria of this chapter;
4. A description of the extent to which any water course will be altered or relocated as a result of the proposed development.

15.12.250 - Standards generally.

In all areas of special flood hazards, the standards set forth in Sections 15.12.260 through 15.12.320 are required.


In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movements of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Additionally, all water wells shall be located on high ground and not in the floodway.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

E. Review of building permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (See PAMC 15.12.220(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.


15.12.270 - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.12.030 General Provisions, or PAMC 15.12.220.B, the following provisions are required:

A. Residential construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
b. The bottom of all openings shall be no higher than one foot above grade.


c. Openings may be equipped with screens, louveres, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. **Non-residential construction.** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in PAMC 15.12.220.C.

4. Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A.

5. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are at base flood level.

C. **Manufactured homes.** All manufactured homes to be placed or substantially improved within Zones A1—30, AH, and AE on the City's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of PAMC 15.12.260.A. This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

D. **Recreational vehicles.** Recreational vehicles placed on sites are required to either:

a. Be on-site for fewer than 180 consecutive days; (or)

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

c. Meet the requirements of 15.12.270.C above, and the elevation and anchoring requirements for manufactured homes.


15.12.280 - AE and Al-30 Zones with base flood evaluations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not
increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. 3486, § 2, 10/15/2013)

15.12.330 - Floodways.

Located within areas of special flood hazard as established in section 15.12.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited within designated floodways except for:
   1. Repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
   2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either
      i. Before the repair, reconstruction, or repair is started, or
      ii. If the structure has been damaged, and is being restored, before the damage occurred.

Work done on structures to comply with existing health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.

C. If section 15.12.330(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.


15.12.335 - Wetlands management.

To the maximum extent possible, in order to avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts, the following measures will be considered:

A. Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.

B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands’ ability to reduce flood and storm drainage.

C. Request technical assistance from the Department of Ecology in identifying wetland areas.

(Ord. 2514 § 9, 12/30/1988)
15.12.340 - Coastal high hazard area.

Located within areas of special flood hazard established in PAMC 15.12.030 are Coastal High Hazard Areas, designated as Zones V1—V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

A. Due to the dynamic nature of coastal high hazard areas located along the Pacific Ocean, in areas with designated Velocity Zones (V-zones) from Cape Disappointment to Cape Flattery, the following standards shall apply:
   1. Prohibit new or substantially improved construction in designated V-zones; exceptions are for needed water dependent structures or structures that facilitate public recreational access to the shore. Structures which require siting in the V-zone should be sited landward of the primary dune if an active dune system is associated with the V-zone.
   2. Prohibit any alteration of dunes in the above designated V-zones which could increase potential flood damage; this restriction includes prohibiting any modification or alteration or disturbance of vegetative cover associated with dunes located in designated V-zones.

B. All new construction and substantial improvements in Zones V1—V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
   1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and
   2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (1) and (2) of this section.

C. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1—30 and VE, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.

D. All new construction shall be located landward of the reach of mean high tide.

E. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
   1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
   2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural).
Maximum wind and water loading values to be used in this determination shall each have a
one percent chance of being equaled or exceeded in any given year (100-year mean
recurrence interval).

F. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of
vehicles, building access, or storage. Such space shall not be used for human habitation.

G. Prohibit the use of fill for structural support of buildings.

H. All manufactured homes to be placed or substantially improved within Zones V1-30, V, and VE
on the community's FIRM on sites:
   1. Outside of a manufactured home park or subdivision,
   2. In a new manufactured home park or subdivision,
   3. In an expansion to an existing manufactured home park or subdivision, or
   4. In an existing manufactured home park or subdivision on which a manufactured home has
      incurred "substantial damage" as the result of a flood; shall meet the standards of PAMC
      15.12.260(A) through (C)and manufactured homes placed or substantially improved on
      other sites in an existing manufactured home park or subdivision within Zones V1-30, V,
      and VE on the FIRM shall meet the requirements of PAMC 15.12.270(C).

I. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM
either:
   1. Be on the site for fewer than 180 consecutive days, or
   2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to
      the site only by quick disconnect type utilities and security devices, and have no
      permanently attached additions; or
   3. Meet the requirements of PAMC 15.12.240 (development permit required) and PAMC
      15.12.340, paragraphs (A) through (G).

(Ord. 3238 § 1, 3/17/2006; Ord. 2616 § 4, 10/26/1990; Ord. 2514 § 10, 12/30/1988; Ord. 2445 §

15.12.345 - Standards for shallow flooding areas (AO Zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in
these areas range from one to three feet above ground where a clearly defined channel does not exist, or
where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is
usually characterized as sheet flow. In these areas, the following provisions apply:

A. New construction and substantial improvements of residential structures and manufactured
   homes within AO zones shall have the lowest floor (including basement) elevated above the
   highest adjacent grade to the structure, one foot or more above* the depth number specified in
   feet on the community's FIRM (at least two feet above the highest adjacent grade to the
   structure if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO zones
   shall either:
      1. Have the lowest floor (including basement) elevated above the highest adjacent grade of
         the building site, one foot or more above the depth number specified on the FIRM (at least
         two feet if no depth number is specified); or
      2. Together with attendant utility and sanitary facilities, be completely flood proofed to or
         above that level so that any space below that level is watertight with walls substantially
         impermeable to the passage of water and with structural components having the capability
of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 5.2-2(3).

C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

D. Recreational vehicles placed on sites within AO Zones on the community's FIRM are required to either:
   1. Be on the site for fewer than 180 consecutive days, or
   2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
   3. Meet the requirements of Sections 15.12.345(A) and 15.12.345(C) above and the anchoring requirements for manufactured homes (Section 15.12.260(A)(2)).

(Ord. 3238 § 1, 3/17/2006)

ARTICLE V. - VIOLATION

15.12.350 - Violation is misdemeanor.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter. Violation or failure to comply with the provisions of this chapter shall be a misdemeanor. Each day that a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2514 § 6, 12/30/1988; Ord. 2091 § 16, 8/8/1980)

CHAPTER 15.20 - ENVIRONMENTALLY SENSITIVE AREAS PROTECTION

15.20.010 - Findings of fact.

The City Council of the City of Port Angeles hereby finds that:

A. Development in stream corridors results in:
   1. Siltation of streams, which destroys spawning beds, kills fish eggs and alevins, irritates fish gills, reduces aquatic insect populations, fills stream channels, and causes flooding;
   2. Loss of stream corridor vegetation, which raises stream temperatures, destabilizes streambanks, causes erosion, removes nutrients by removing source of fallen leaves and streamside insects, increases sedimentation, and reduces recruitment of large wood debris necessary for stream structure;
   3. Elimination of wildlife and fish habitat. The stream corridor is especially sensitive and is recognized as being among the most productive terrestrial and aquatic ecosystems. It usually provides all four of the basic habitat components - water, food, cover and space. The stream corridor is usually richer in habitat diversity and, consequently, wildlife diversity and numbers of individuals are higher than in adjoining upland plant communities. Certain fish and wildlife species are totally dependent on the stream corridor and as uplands are developed, stream corridors become a place of refuge for many wildlife species;
4. Increased peak flow rates and decreased summer low flow rates of streams, resulting in negative impacts to the physical and chemical requirements critical for sustained fish populations;

5. Stream channelization, which increases current velocity and bank erosion, removes critical fish rearing and spawning habitat, and reduces habitat diversity and simplifies the biotic community;

6. Piping of streamflow and crossing of streams by culverts, which increases potential for downstream flooding, reduces migratory fishery range and, therefore, fish populations, removes habitat, and eliminates the biotic community; and

7. Construction near or within streams, which adversely impacts fish and wildlife by destroying habitat and degrading water quality and increases potential for flooding, property damage, and risk to public health, safety, and welfare.

B. Development of geological (erosion hazard, landslide hazard, seismic hazard) hazard areas results in:
   1. Potential threat to the health and safety of residents and employees of businesses within the City;
   2. Potential damage or loss to public and private property within the City;
   3. Potential degradation of water quality and the physical characteristics of waterways due to increased sedimentation;
   4. Potential losses to the public as a result of increased expenditures for replacing or repairing public facilities; providing publicly funded facilities to reduce or eliminate potential hazards to life and property; providing emergency rescue and relief operations; and from potential litigation resulting from incompatible development in these areas.

C. Development of fish and wildlife habitat areas results in:
   1. Losses in the numbers and varieties of aquatic and terrestrial wildlife species;
   2. Loss of streamside vegetation that increases erosion and sedimentation, and reduces the quality of water resources;
   3. Loss of opportunities for outdoor recreation such as hunting, fishing, bird-watching, sightseeing and similar activities;
   4. Loss of economic opportunities in forestry, fisheries, shellfish and tourism industries;
   5. Loss of opportunities for scientific research and education.

D. Development of locally unique land features (ravines, marine bluffs, beaches) results in:
   1. Disruption of the natural functioning of region surface drainage systems and the aquatic and terrestrial wildlife that depend on this habitat;
   2. Increased threat to life and property as a consequence of exposure to geologic hazards and flooding;
   3. Disruption of natural longshore drift processes that help maintain Ediz Hook and Port Angeles Harbor;
   4. Destruction of natural greenbelts that serve to enhance the visual character of the community and serve as "community separators" that reduce the perceived degree of urbanization;
   5. Loss of opportunities for trail systems and other forms of passive recreation.

(Ord. 2979 § 1 (part), 2/13/1998; Ord. 2656 § 1 (part), 11/29/1991.)
15.20.020 - Purpose.

Surface streams and flood hazards, geologic hazards (erosion, landslide, seismic), fish and wildlife habitat areas, locally unique features (ravines, marine bluffs, beaches) and required buffers constitute environmentally sensitive areas that are of special concern to the City of Port Angeles. The purpose of this chapter is to protect the environmentally sensitive resources of the Port Angeles community as required by the Growth Management Act and as provided in the Guidelines promulgated by the State of Washington. Accordingly, the intent of this chapter is to use a functions and values approach and establish minimum standards for development of properties which contain environmentally sensitive features and to protect the public health, safety, and welfare in regard to environmentally sensitive areas by:

A. Avoiding disturbance of these areas;
B. Mitigating unavoidable impacts;
C. Protecting from impacts of development by regulating alterations;
D. Protecting the public from personal injury, loss of life or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence;
E. Protecting against publicly financed expenditures in the event environmentally sensitive areas are misused, which causes:
   1. Unnecessary maintenance and replacement of public facilities;
   2. Publicly funded mitigation of avoidable impacts;
   3. Cost for public emergency rescue and relief operations where the causes are avoidable; or
   4. Degradation of the natural environment;
F. Protecting the public trust in navigable waters and aquatic resources;
G. Preventing adverse impacts to water availability, water quality and streams;
H. Protecting unique, fragile, and valuable elements of the environment, including wildlife and its habitat;
I. Alerting appraisers, assessors, owners, potential buyers, or lessees to the development limitations of environmentally sensitive areas;
J. Providing City officials with sufficient information to adequately protect environmentally sensitive areas when approving, conditioning, or denying public or private development proposals; and
K. Implementing the policies of the State Environmental Policy Act, Chapter 43.21C RCW; the City of Port Angeles Comprehensive Plan; this chapter of the Port Angeles Municipal Code; and all updates and amendments, functional plans, and other land use policies formally adopted or accepted by the City of Port Angeles.
L. Providing protection of environmentally sensitive areas for a period until the City can complete more detailed studies of the environmentally sensitive areas within the City and adopt a comprehensive set of policies pertaining to protection of environmental resources and amend regulations which implement the policies.

(Ord. 2979 § 1 (part), 2/13/1998; Ord. 2918 § 1 (part), 6/14/1996; Ord. 2656 § 1 (part), 11/29/1991.)

15.20.030 - Definitions.

In addition to definitions contained in Chapter 15.02, the following definitions shall apply. Where definitions exist in both Chapter 15.02 and section 15.20.030, the definitions in 15.20.030 shall apply.
A. "Beaches and associated coastal drift process areas" means the areas that encompass marine shorelines which contain important sites of material supply, transport and deposition that define the present landforms and natural character of the Port Angeles shoreline.

B. "Buffer" means an undisturbed area adjacent to an environmentally sensitive area that is required to permanently remain in an undisturbed and untouched condition, protect or enhance the environmentally sensitive area and is considered part of the environmentally sensitive area. No building, clearing, grading, or filling is permitted, except for minor maintenance necessary to protect life and property. A buffer is different than a setback.

C. "Clearing and grading permit" means the written permission of the City to the applicant to proceed with the act of clearing, grading, filling, and/or drainage which could disturb the land surface.

D. "Critical areas" means any of the following areas, environmentally sensitive areas as defined and described in Chapter 15.20, wetlands as defined and described in Chapter 15.24, shorelines, beaches and associated coastal drift processes as described in Chapter 15.08 and the Port Angeles Shoreline Master Program and their associated buffers.

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

F. "Erosion hazard areas" means those areas containing soils which, according to the United States Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.

G. "Functions and values" means the natural processes and intrinsic environmental benefits offered by an environmentally sensitive feature. As examples, a function and an associated environmental value of a marine bluff is to provide materials to shorelines and thereby maintain beaches and spits from erosion, and a function and an associated environmental value of a stream is to provide water that in turn insures the survival of a diversity of flora and fauna.

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

I. "Habitats of local importance" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors.
These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

J. "Habitat area for priority species and species of concern" ("priority species and species of concern habitat") means habitat supporting:
   1. Fish and wildlife species that are designated by the State to be of concern due to their population status and their sensitivity to habitat alteration; and
   2. Recreationally important species for which the maintenance of a stable population and surplus for recreation may be affected by habitat loss or change.

K. "Historic condition" means the condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.

L. "Landslide hazard areas" means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. The following areas are considered to be subject to landslide hazards:
   1. Areas of historic failures or potentially unstable slopes, such as areas mapped within soils conservation service slide hazard area studies; as unstable by the 1978 Coastal Zone Atlas; and as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources.
   2. Any area with a combination of: (a) slopes 15 percent or steeper, and (b) impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominantly sand and gravel); and, (c) springs or ground water seepage.
   3. Any area potentially unstable as a result of rapid stream incision, stream bank erosion (e.g. ravines) or under-cutting by wave action (e.g. marine bluffs).
   4. Areas of potential failure due to over steepening of the slope beyond the in-place soil's ability to resist sliding (slope exceeds angle of repose).

M. "Locally unique features" means landforms and features that are important to the character of the City of Port Angeles and the adjoining Port Angeles Urban Growth Area. These features or landforms usually contain more than one environmentally sensitive area or "critical area". Locally unique features in the Port Angeles region include ravines, marine bluffs, and beaches and associated coastal drift processes.

N. "Mitigation" means taking measures including avoiding, minimizing, and compensating for adverse impacts to an environmentally sensitive area and should be taken in the following order of preference and may include a combination of these measures:
   1. Avoiding the impacts altogether by not taking a certain action or parts of an action but still accomplishing the objective of the proposed action;
   2. Minimizing the impacts by limiting the degree or magnitude of an action, by using appropriate technology and best management practices, or by taking affirmative action to reduce impacts;
   3. Rectifying the impacts of an action by repairing, rehabilitating, or restoring the affected environment;
   4. Reducing or eliminating the impacts over time by preservation and maintenance operations during the life of an action;
   5. Compensating for the impacts by restoring, enhancing, providing substitute resources, or creating new environments; and
   6. Monitoring the impacts and the mitigation and taking appropriate corrective measures.
O. "Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for aquatic and terrestrial-associated wildlife. Widths shall be measured from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. It includes the entire extent of the flood plain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

P. "Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table.

Q. "Setback" means the minimum distance for any use, structure or building from a hazard area as required by a qualified expert as identified in PAMC 15.20.060(B)(4)(b) to protect safety for occupants of a development and/or users of a site.

R. "Stream corridor" means variable width planning area defined by the type of stream or watercourse, or from the top of the bank or dike. Stream corridors include both year-round and seasonal waterways, but vary in width depending on the rating of the stream. If the stream or watercourse is contained within a ravine, the stream corridor may be established using the Locally Unique Feature Corridor.

15.20.040 - Applicability.

This section establishes regulations for the protection of areas which are environmentally sensitive. Areas listed, identified, classified, or rated as environmentally sensitive are those which are or may become designated environmentally sensitive by the City of Port Angeles Comprehensive Plan or by separate studies which indicate that an area is environmentally sensitive. A site specific analysis which indicates that any element regulated by this chapter is present will result in an area being classified as environmentally sensitive.

A. All development proposals, including enhancement projects, in environmentally sensitive areas shall comply with the requirements and provisions of this chapter. Responsibility for administration and enforcement of the provisions of this chapter shall rest with the Director of Community and Economic Development or the Director's designee.

B. For the purposes of this chapter, development proposals include proposals which require any of the following: building permit, clearing and grading permit, shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline environmental redesignation, conditional use permit, zoning variance, zone recategorization, planned residential development, subdivision, short subdivision, or any other land use approvals required by ordinance of the City of Port Angeles or the Revised Code of Washington. Where possible, the City shall attach conditions to development proposals or combine permit decisions to ensure compliance with this Chapter while alleviating duplicate permit decisions.

C. When any provision of any other City ordinance conflicts with this chapter, that which provides the greatest protection to environmentally sensitive areas shall apply unless specifically provided otherwise in this chapter.

D. This chapter applies to all environmentally sensitive areas located on or adjacent to properties within the jurisdiction of the City of Port Angeles. Specific environmentally sensitive features
(streams, ravines, marine bluffs, beaches) shall be defined and designated as set forth below. The approximate distribution and extent of environmentally sensitive areas in the City are displayed on the following series of maps on file with the City of Port Angeles Planning Department:

1. Wetland and Hydric Soil Composite Map, as promulgated pursuant to the City's Wetlands Protection Ordinance, Chapter 15.24 PAMC.

2. Environmentally sensitive areas composite maps, which shall be prepared and revised as necessary from time to time by the Director of Community and Economic Development or his designee in accordance with this chapter. These maps are to be used as a guide to the general location and extent of environmentally sensitive areas. The maps shall be used to alert the public and City officials of the potential presence of environmentally sensitive areas on-site or off-site of a development proposal. Given the generalized nature of these maps and recognizing that environmentally sensitive areas are a dynamic environmental process, the actual presence and location of environmentally sensitive areas, as determined by qualified professional and technical scientists, shall be established and protected in accordance with all the provisions of this chapter, which shall govern the treatment of proposed development sites. In the event that any of the environmentally sensitive areas shown on the maps conflict with the criteria set forth in this chapter, the criteria shall control.

E. The exact location of the boundary of an environmentally sensitive area shall be determined through the performance of a field investigation applying the definitions and criteria provided in this chapter. A qualified professional shall perform delineations of environmentally sensitive area boundaries. For example, in areas where a Class II or Class III Landslide Hazard is suspected, a geotechnical study would be required to specifically identify the nature and extent of the potential hazard. The Director of Community and Economic Development, as assisted by other City officials, has final responsibility for the accuracy of the submitted information. The applicant may be required to show the location of the environmentally sensitive area boundary on a scaled drawing as a part of a City permit application.

The Director of Community and Economic Development may require the delineation of the environmentally sensitive area boundary by qualified professionals retained by the applicant. Alternatively, the Director of Community and Economic Development may retain qualified professional scientists and technical experts or other experts as needed to perform the delineation, in which event the applicant will be charged for the costs incurred in accordance with the provisions of this chapter.

Where the Director of Community and Economic Development approves an environmentally sensitive area delineation, such delineation shall be considered a final determination unless appealed to the Port Angeles City Council.

Where the applicant's qualified professionals have provided a delineation of the environmentally sensitive area boundary the Director of Community and Economic Development shall verify the accuracy of and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Director of Community and Economic Development shall, at the applicant's expense, obtain a qualified professional to render a final delineation.

Decisions of the Director of Community and Economic Development in applying this chapter may be appealed to the City Council per section 15.20.110 of this chapter.


15.20.050 - Permitted uses and development restrictions.
A. **Permitted uses.** Uses permitted on properties which contain an area classified as environmentally sensitive shall be the same as those permitted in the underlying zone. Each use shall be evaluated in accordance with the review process required for the proposed use in the underlying zone in conjunction with the requirements of this chapter, state and federal regulations. Nothing in this chapter is intended to preclude reasonable use of property. If an applicant feels that the requirements of this chapter as applied to a specific lot or parcel of land do not permit a reasonable use of property, the applicant may request that the Director of Community and Economic Development make a determination as to what constitutes reasonable use of such property. Any decision of the Director of Community and Economic Development in making such a determination shall be subject to the appeal provisions set forth in section 15.20.110 of this chapter, and the burden of proof in such an appeal shall be upon the appellant to prove that the determination of reasonable use made by the Director of Community and Economic Development is incorrect.

B. **Development restrictions.**

1. The following environmentally sensitive areas shall remain undisturbed except as otherwise provided in section 15.20.080, Development Exceptions:
   a. Significant and important wetlands and their buffers, pursuant to the regulations presented in the City's Wetlands Protection Ordinance, Chapter 15.24 PAMC.
   b. Surface Streams and their buffers, pursuant to section 15.20.070 of this chapter.
   c. Ravines, marine bluffs and their buffers, pursuant to section 15.20.070 of this chapter.
   d. Beaches and associated coastal drift processes pursuant to section 15.20.070 of this chapter.

2. All other environmentally sensitive areas identified above in PAMC 15.20.030.B are developable pursuant to the provisions of section 15.20.070 of this chapter. The applicant shall clearly and convincingly demonstrate to the satisfaction of the Director of Community and Economic Development that the proposal incorporates measures pursuant to this chapter which adequately protect the public health, safety and welfare.

(Ord. 2979 § 1 (part), 2/13/1998; Ord. 2656 § 1 (part), 11/29/1991)

15.20.060 - Submittal requirements and support information required.

A. **Submittal requirements.** Applications for land uses or developments proposed within areas listed, identified, inventoried, classified, rated, or otherwise determined to be environmentally sensitive or which have been so determined by the Director of Community and Economic Development based upon a site specific analysis or such other information supplied which supports the finding that a site or area is likely to contain environmentally sensitive characteristics, shall be filed with all the information requested on the application forms available from the Planning Division. The Director of Community and Economic Development may waive specific submittal requirements determined to be unnecessary for review of a specific application type. The applicant shall provide the information necessary for the Planning Division to determine if and to what extent the site contains environmentally sensitive characteristics. The Director of Community and Economic Development shall make the determination to classify an area as environmentally sensitive pursuant to the procedures set forth in PAMC 15.20.040E.

B. **Supporting information required.** All land uses and developments proposed in an area listed, identified, inventoried, classified, or rated as environmentally sensitive shall include supporting studies, prepared to describe the environmental limitations of the site. No construction activity, including clearing or grading, shall be permitted until the information required by this chapter is reviewed and approved by the City as adequate. Special environmental studies shall include a comprehensive site inventory and analysis, a discussion of the potential impacts of the proposed development, and specific measures designed to mitigate any potential adverse environmental impacts of the applicant's proposal, both on-site and off-site, as follows:
1. A description of how the proposed development will or will not impact each of the following:
   a. Erosion hazards;
   b. Landslide hazards;
   c. Seismic hazards;
   d. Drainage, surface and subsurface hydrology, and water quality;
   e. Flood-prone areas;
   f. Existing vegetation as it relates to steep slopes, soil stability, and natural habitat value (for
      wetlands, refer to Chapter 15.24 PAMC);
   g. Locally unique landforms: ravines, marine bluffs, beaches and associated coastal drift
      processes;
2. Recommended methods for mitigating identified impacts and a description of how these
   mitigating measures may impact adjacent areas.
3. Any additional information determined to be relevant by the City or by the professional
   consultant who prepared the study.
4. Such studies shall be prepared with assistance by qualified professionals in the area of concern,
   which at a minimum shall include the following types of experts:
   a. Flood hazard areas: Professional Civil Engineer licensed by the State of Washington;
   b. Erosion hazard areas, landslide hazard areas, and seismic hazard areas: Geologist and/or
      civil engineer with geotechnical expertise;
   c. Wetlands: Biologist with wetlands ecology expertise;
   d. Streams, rivers, riparian areas, drainage corridor, ravine: geologist or civil engineer with
      geotechnical expertise;
   e. Marine bluffs, beaches: geologist, civil engineer with geotechnical expertise, or
      oceanographer;
   f. Fish and wildlife habitats: biologist with freshwater and/or marine habitat ecology expertise.

C. Environmentally sensitive area reports—Requirements.
   1. Prepared by qualified professional. The applicant shall submit an environmentally sensitive area
      report prepared by a qualified professional as defined herein.
   2. Incorporating best available science. The environmentally sensitive area report shall use
      scientifically valid methods and studies in the analysis of environmentally sensitive area data
      and field reconnaissance and reference the source of science used. The environmentally
      sensitive area report shall evaluate the proposal and all probable impacts to environmentally
      sensitive areas in accordance with the provisions of this title.
   3. Minimum report contents. At a minimum, the report shall contain the following:
      a. The name and contact information of the applicant, a description of the proposal, and
         identification of the permit requested;
      b. A copy of the site plan for the development proposal showing:
         i. Identifies environmentally sensitive areas, buffers, and the development proposal with
            dimensions;
         ii. Limits of any areas to be cleared; and a description of the proposed stormwater
            management plan for the development and consideration of impacts to drainage
            alterations;
c. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

d. Identification and characterization of all environmentally sensitive areas, wetlands, water bodies, and buffers adjacent to the proposed project area;

e. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

f. An assessment of the probable cumulative impacts to environmentally sensitive areas resulting from the proposed development;

g. An analysis of site development alternatives;

h. A description of reasonable efforts made to apply mitigation sequencing pursuant to mitigation sequencing [section 15.20.080(I)(3)(d)] to avoid, minimize, and mitigate impacts to environmentally sensitive areas;

i. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with mitigation plan requirements [section 15.20.080(I)(3)], including, but not limited to:

   i. The impacts of any proposed development within or adjacent to an environmentally sensitive area or buffer on the environmentally sensitive area; and

   ii. The impacts of any proposed alteration of an environmentally sensitive area or buffer on the development proposal, other properties and the environment;

j. A discussion of the performance standards applicable to the environmentally sensitive area and proposed activity;

k. Financial guarantees to ensure compliance; and

l. Any additional information required for the environmentally sensitive area as specified in the corresponding chapter.

4. Unless otherwise provided, an environmentally sensitive area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approve by the Director of Community and Economic Development.

D. Environmentally sensitive area report—Modifications to requirements.

1. Limitations to study area. The Director of Community and Economic Development may limit the required geographic area of the environmentally sensitive area report as appropriate if:

   a. The applicant, with assistance from the City cannot obtain permission to access properties adjacent to the project area; or

   b. The proposed activity will affect only a limited part of the subject site.

2. Modifications to required contents. The applicant may consult with the Director of Community and Economic Development prior to or during preparation of modification to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential environmentally sensitive area impacts and required mitigation.

3. Additional information may be required. The Director of Community and Economic Development may require additional information to be included in the environmentally sensitive area report when determined to be necessary to the review of the proposed activity in accordance with this title. Additional information that may be required, includes, but is not limited to:

   a. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
b. Grading and drainage plans; and

c. Information specific to the type, location, and nature of the environmentally sensitive area.

D. City review.

1. The City may in some cases retain consultants at the applicant's expense to assist the review of studies outside the range of staff expertise.

2. All environmentally sensitive studies shall be prepared under the supervision of the City. The Director of Community and Economic Development will make the final determination on the adequacy of these studies.


15.20.070 - Development standards.

A. Streams. All areas falling within the corridors identified in the following subsection are subject to the requirements of this chapter.

1. Stream corridors. This subsection defines corridor dimensions for different classes of streams and their tributaries as rated pursuant to WAC 222-16-020 and -030. All areas falling within a corridor are subject to review under this chapter unless excluded by the Director of Community and Economic Development. Dimensions are measured from the seasonal high water mark or elevation of the stream or watercourse as follows:

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<tr>
<td>Type 1</td>
<td>250 feet</td>
</tr>
<tr>
<td>Type 2</td>
<td>250 feet</td>
</tr>
<tr>
<td>Type 3</td>
<td>150 feet</td>
</tr>
<tr>
<td>Type 4</td>
<td>100 feet</td>
</tr>
<tr>
<td>Type 5</td>
<td>none</td>
</tr>
</tbody>
</table>

Should the stream be located within a ravine, the greater dimension of either the stream corridor, or the ravine corridor, will be used to define areas subject to the requirements of this chapter.

2. Stream buffers. Any development or construction adjacent to a stream shall preserve a buffer which is wide enough to maintain the natural hydraulic and fish and wildlife habitat functions of that stream. The following buffers of undisturbed native vegetation shall be provided for different classes of streams and their tributaries as rated pursuant to WAC 222-16-020 and -030. Dimensions are measured from the ordinary high water mark or elevation of the stream or watercourse, or from the top of the bank or dike:

<table>
<thead>
<tr>
<th>Type</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>100 feet</td>
</tr>
</tbody>
</table>
3. Stream corridors and buffers shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food for fish.

4. Additional buffers. The Director of Community and Economic Development may require either additional native vegetation or increased buffer sizes when environmental information indicates the necessity for additional vegetation or greater buffers in order to achieve the purposes of this chapter. In cases where additional buffers are not feasible, the Director of Community and Economic Development may require the applicant to undertake alternative on-site or off-site mitigation measures, including but not limited to a financial contribution to projects or programs which seek to improve environmental quality within the same watershed.

B. Locally unique feature—Ravines, marine bluffs and beaches and associated coastal drift processes. All areas falling within the corridors identified in the following subsection are subject to the requirements of this chapter.

1. Locally unique feature corridors: The following corridors, as measured from the top of ravines, the top and toe of marine bluffs, and beaches, define areas subject to the requirements of this chapter, unless excluded by the Director of Community and Economic Development:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ravines</td>
<td>200 feet;</td>
</tr>
<tr>
<td>Marine Bluffs</td>
<td>200 feet;</td>
</tr>
<tr>
<td>Beaches and Associated Coastal Drift Processes</td>
<td>Shoreline Management Jurisdiction</td>
</tr>
</tbody>
</table>

Should locally unique feature corridors also overlay stream corridors, the criteria of this section will be used.

2. Buffers. The following buffers of undisturbed vegetation shall be established from the top of ravines; the top and toe of marine bluffs and ravines:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ravines</td>
<td>25 feet</td>
</tr>
</tbody>
</table>
3. Undisturbed buffers adjoining both marine bluffs and beaches shall be sufficient to assure that natural coastal drift processes will remain unimpaired.

4. **Buffer reduction.** The buffer may be reduced when expert verification and environmental information demonstrate to the satisfaction of the Director of Community and Economic Development that the proposed construction method will:
   a. Not adversely impact the stability of ravine sidewalls and bluffs;
   b. Not increase erosion and mass movement potential of ravine sidewalls and bluffs;
   c. Use construction techniques which minimize disruption of the existing topography and vegetation; and
   d. Include measures to overcome any geological, soils and hydrological constraints of the site.

5. **Additional buffers.** The Director of Community and Economic Development may require either additional native vegetation or increased buffer sizes when environmental information indicates the necessity for additional vegetation or greater buffers in order to achieve the purposes of this chapter. In cases where additional buffers are not feasible, the Director of Community and Economic Development may require the applicant to undertake alternative on-site or off-site mitigation measures, including but not limited to a substitute fee per subsection 15.20.080.1.2.c., for projects or programs which seek to improve environmental quality within the same watershed.

6. **Viewshed enhancement.** In ravine and marine bluff buffers, the Director of Community and Economic Development may approve alterations in vegetation coverage for the purposes of viewshed enhancement, so long as such alterations will not:
   a. Increase geological hazards such as erosion potential, landslide potential, or seismic hazard potential.
   b. Adversely affect significant fish and wildlife habitat areas.
   c. Remove with appropriate and/or acceptable pruning practices more than 25 percent of the live crown of a tree over any five-year period. Pruning shall be in support of maintaining tree health and vigor and shall be in accordance with ANSI A300. Tree topping is not an acceptable pruning practice.
   d. Include felling, topping, or removal of trees.

      The landowner shall replace any trees that are felled or topped with new trees at a ratio of two trees for each tree felled or topped (2:1) within one year in accordance with an approved restoration plan. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used. Any street trees that are felled or topped shall be replaced in accordance to PAMC 11.13.050.
C. Geological hazard (erosion, landslide, seismic) areas. Areas containing or adjacent to geological hazard areas shall be altered only when the Director of Community and Economic Development concludes, based on environmental information, the following:

1. For landslide hazard areas:
   a. That the land clearing, grading or filling activities will adhere to the best management practices.
   b. That the vegetation in erosion hazard areas will be preserved or replaced.

2. There will be no increase in surface water discharge or sedimentation to adjacent properties;
   a. There will be no decrease in slope stability on adjacent properties; and
   b. Either:
      i. There is no hazard as proven by evidence of no landslide activity in the past in the vicinity of the proposed development and a quantitative analysis of slope stability indicates no significant risk to the development proposal and adjacent properties;
      ii. The landslide hazard area can be modified or the development proposal can be designed so that the landslide hazard is eliminated or mitigated so that the site is as safe as a site without a landslide hazard; or
      iii. The alteration is so minor as not to pose a threat to slope stability.

3. For seismic hazard areas:
   a. There is no actual hazard based on a lack of seismic activity in the past in the area of the development proposal, and a quantitative analysis of potential for seismic activity indicates no significant risk to the development proposal; or
   b. The development proposal can be designed so that it will minimize any risk of harm from seismic activity to public health, safety or welfare on or off the site.
   c. Construction on artificial fills is certified by a civil engineer with geotechnical expertise as safe from earthquake damage as a similar development not located on artificial fill. This requirement may be waived for actions involving minor changes, alterations or additions to developed properties, provided that such activities do not jeopardize public health, safety or welfare on or off the site.

4. Geological hazard area setbacks: In the event that it is determined that a geological hazard area is unstable and cannot be safely developed and must remain as permanent open space, setbacks from hazard areas shall be required as necessary to mitigate erosion, landslide, and seismic hazards, or as otherwise necessary to protect the public health, safety, and welfare of the occupants of a development and/or the users of a site and shall be determined by qualified professionals as prescribed in PAMC 15.20.060.B.4.

D. Priority species and species of concern habitat areas. To protect the habitat of species which are designated by the State to be priority species or species of concern and thereby maintain and increase their populations, priority species and species of concern habitat areas shall be subject to the following:

1. When a development proposal contains a priority species or species of concern habitat, the applicant shall submit a habitat management plan. The need for a habitat management plan should be determined during State Environmental Policy Act (SEPA) review of the proposal. The habitat management plan should identify how the impacts from the proposed project will be mitigated. Possible mitigation measures should include, but are not limited to: (a) establishment of buffer zones; (b) preservation of critically important plants and trees, (c) limitation of access to habitat area, (d) scheduling construction activities to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities; (e) using best available technology to avoid or reduce impacts; (f) using drainage and erosion control measures to prevent siltation of aquatic areas; and (g) reducing the size, scope, configuration or density of the project.
2. **Buffer:** To retain adequate natural habitat for priority species, buffers shall be established on a case-by-case basis as described in a habitat management plan.

3. Uses and activities allowed within a priority species or species of concern habitat area as identified by a habitat management plan shall be limited to low intensity land uses which will not adversely affect or degrade the habitat and which will not be a threat to the critical ecological processes such as feeding, breeding, nesting and resting.

E. **Frequently flooded areas.** Development in frequently flooded areas which are not subject to the standards of other environmentally sensitive areas, including wetlands, will be directed by Chapter 15.12 "Flood Hazard Areas" of the City of Port Angeles Municipal Code.

F. **Limited density transfer.** The calculation of potential dwelling units in residential development proposals and allowable floor area in nonresidential development proposals shall be determined by the ratio of developable area to undisturbable environmentally sensitive area of the development site except as otherwise provided for wetlands in the City's Wetlands Protection Ordinance, Chapter 15.24 PAMC. The following formula for density and floor area calculations is designed to provide compensation for the preservation of environmentally sensitive areas, flexibility in design, and consistent treatment of different types of development proposals.

1. **Formulas.** The maximum number of dwelling units (DU) for a site which contains undisturbable environmentally sensitive areas is equal to:

\[
\text{[Developable Area divided by (Minimum Lot Area/DU)] + [(Undisturbable Area) divided by (Minimum Lot Area/DU) (Development Factor)]} = \text{Maximum Number of Dwelling Units.}
\]

The maximum amount of non-residential floor area for a site which contains undisturbable environmentally sensitive areas is equal to:

\[
\text{[(Maximum Permitted Floor Area/Lot Area)(Developable Area)] + [(Maximum Permitted Floor Area/Lot Area) (Undisturbable Area) (Development Factor)]} = \text{Maximum Amount of Floor Area.}
\]

Environmentally sensitive areas which are to be disturbed shall receive full credit towards calculating the number of dwelling units or floor area.

2. **Development factor.** As used in the preceding subsection, the development factor is a number to be used in calculating the number of dwelling units or the maximum allowable floor area for a site which contains undisturbable environmentally sensitive areas. The development factor is derived from the following table:

<table>
<thead>
<tr>
<th>Undisturbable Sensitive Area as Percentage of Site</th>
<th>Development Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—10</td>
<td>.30</td>
</tr>
<tr>
<td>11—20</td>
<td>.27</td>
</tr>
<tr>
<td>21—30</td>
<td>.24</td>
</tr>
<tr>
<td>31—40</td>
<td>.21</td>
</tr>
<tr>
<td>41—50</td>
<td>.18</td>
</tr>
</tbody>
</table>
15.20.080 - Development exceptions.

Exceptions to the development restrictions and standards set forth in sections 15.20.050 and 15.20.070 may be permitted by application to the Director of Community and Economic Development pursuant to the provisions of this section.

A. Reasonable use development exceptions in stream and locally unique feature corridors.

1. Development proposals. An applicant may propose a reasonable use development exception pursuant to the following decision criteria:
   a. The proposal is limited to the minimum necessary to fulfill reasonable use of the property, and there is no other reasonable alternative;
   b. The proposal is compatible in design, scale, and use with other development or potential development in the immediate vicinity of the subject property in the same zone classification and with similar site constraints;
   c. The proposal utilizes to the maximum extent possible the best available construction, design, and development techniques which result in the least adverse impact on the environmentally sensitive area or areas;
   d. The proposal incorporates all other development standards of section 15.20.070; and
   e. The proposal is consistent with the purpose and intent of this chapter.
   f. When the functions and values of the environmentally sensitive area will be disrupted, the applicant has prepared a mitigation plan per subsection I.3.

2. Minor additions to and modifications of existing structures. Existing structures or improvements that do not meet the requirements of this chapter may be remodeled, reconstructed or replaced provided that the new construction does not further disturb an environmentally sensitive area.

3. Previously altered environmentally sensitive areas. If any portion of an environmentally sensitive area has been altered from its natural state, the applicant may propose to develop within the altered area pursuant to the following decision criteria:
a. The environmentally sensitive area was lawfully altered in accordance with the provisions of this chapter and any state and federal laws at the time the alteration occurred;

b. The previous alteration has significantly disrupted the natural functions and values of the environmentally sensitive area;

c. The new alteration does not further disrupt the natural functions and values of the environmentally sensitive area;

d. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least adverse impact on the environmentally sensitive area;

e. The proposal incorporates all other development standards of section 15.20.070; and

f. The proposal is consistent with the purpose and intent of this chapter.

4. Vegetation management practices may allow the following:

a. Nondestructive pruning and trimming of vegetation for maintenance purposes. Tree topping is considered a destructive trimming practice;

b. Thinning of limbs of individual trees to provide for viewshed enhancement that will not harm tree health and vigor; or

c. Removal of nonnative vegetation and replacement with native vegetation; provided that increased erosion, landslide, or other adverse impacts to the environmentally sensitive areas do not result.

5. If the Director of Community and Economic Development determines that a reasonable use exception may be granted, the applicant shall sign a waiver indemnifying the City from any liability due to damages that could result from location of the development in or near an environmentally sensitive area.

6. Alternatively, if the Director of Community and Economic Development determines that application of these standards would deny all reasonable economic use of the property, the City may take the property for public use with just compensation being made.

B. Emergencies. The Director of Community and Economic Development may approve improvements or alterations that are necessary to respond to emergencies that threaten the health and safety, when he/she determines that no reasonable alternative exists and the benefit outweighs the loss. Emergencies shall be verified by qualified experts as prescribed in PAMC 15.20.060.B.4.

C. Drainage facilities. Streams and their buffers may be altered for use as a drainage facility provided that all requirements of the City of Port Angeles Stormwater Management Plan and all other local, state, and federal laws are satisfied, and so long as increased and multiple natural resource functions are achievable and the benefits outweigh any lost resource. The Director of Community and Economic Development may approve drainage facilities in a stream only where he/she determines that long-term impacts are minimal or where there are no practicable or reasonable alternatives and mitigation is provided.

D. Trails and trail-related facilities. Public and private trails and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, and viewing platforms shall be allowed, but use of impervious surface shall be minimized. Trails and trail-related facilities shall be avoided within stream channels. The Director of Community and Economic Development may approve such trails and facilities only when he/she determines that there is no practicable or reasonable upland alternative. Trail planning, construction and maintenance shall adhere to the following additional criteria:

1. Trails and related facilities shall, to the extent feasible, be placed on existing levies, road grades, utility corridors, or any other previously disturbed areas;
2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat. When street tree(s) are removed, replacement trees, or a fee-in-lieu shall be required in accordance with PAMC 11.13.050.

3. Trail construction and maintenance shall follow the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, October 2008) and "Standard Specifications for Construction of Trails" (EM-7720-103, September 1996) as may be amended, or trail standards adopted by the City of Port Angeles;

4. Viewing platforms, interpretive centers, picnic areas, benches and access to them shall be designed and located to minimize disturbance;

5. Trails and related facilities shall provide water quality protection measures to assure that runoff from them does not directly discharge to wetlands or streams;

6. Within buffers, trails and trail-related facilities shall be aligned and constructed to minimize disturbance to stream functions and values;

7. In areas where impervious paths and trails are used, permeable pavement shall be used where feasible. All permeable trails must have a maintenance plan.

E. Utilities. Every attempt shall be made to avoid locating utilities within streams. The Director of Community and Economic Development may approve utilities in streams only when he/she determines that there is no practicable or reasonable upland alternative.

F. Stream crossings. Stream crossings, whether for access or utility purposes, shall be avoided to the extent possible; but when necessary due to the lack of feasible alternatives, crossing of streams shall follow all applicable local, state and federal laws and the following criteria:

1. Bridges are required for streams which support salmonids, unless otherwise allowed by the Washington State Department of Fisheries;

2. All crossings using culverts shall use superspan or oversize culverts;

3. Any work within the stream channel shall be constructed and installed per the requirements of an applicable State hydraulics permit;

4. No work within the stream channel shall occur in salmonid spawning areas;

5. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

6. Crossings shall not diminish flood-carrying capacity;

7. Crossings shall provide for maintenance of culverts, bridges and utilities; and

8. Crossings shall serve multiple properties whenever possible.

G. Time limitation. A development exception automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within one year of the effective date of the development exception, unless either:

1. The applicant has received an extension for the development exception pursuant to subsection H. of this section;

2. The development exception approval provides for a greater time period.

H. Time extension. The Director of Community and Economic Development may extend a development extension, not to exceed one year, if:

1. Unforeseen circumstances or conditions necessitate the extension of the development exception;

2. Termination of the development exception would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
3. The extension of the development exception will not cause adverse impacts to environmentally sensitive areas.

I. Mitigation. For any allowable development exception provided under this section, the following restoration and compensation mitigation measures to minimize and reduce impacts to environmentally sensitive areas shall be required, and a mitigation plan per subsection I.3. of this section shall be completed and must be approved by the Director of Community and Economic Development prior to development approval:

1. Restoration. Restoration is required when the functions and values of environmentally sensitive areas have been disrupted by alteration prior to development approval.

2. Compensation. Compensation is required from developers for all approved alterations to environmentally sensitive areas. Compensation required for specific development standards shall include, but is not limited to, the following:

   a. Streams.
      
      i. The applicant shall maintain or improve stream channel dimensions, including depth, length, and gradient; restore or improve native vegetation and fish and wildlife habitat; and create an equivalent or improved channel bed, biofiltration and meandering.
      
      ii. The Director of Community and Economic Development may postpone or limit development, require bonds pursuant to section 15.20.100, or use other appropriate techniques to ensure the success of the mitigation plan. The decision of the Director of Community and Economic Development to postpone or limit development may be appealed per section 15.20.110.

   b. Beaches and coastal drift processes.
      
      i. The applicant shall restore, enhance, or create the beach and associated coastal drift processes per the City's Shoreline Master Program as adopted by PAMC.
      
      ii. The Director of Community and Economic Development may postpone or limit development, require bonds pursuant to section 15.20.100, or use other appropriate techniques to ensure the success of the mitigation plan. The decision of the Director of Community and Economic Development to postpone or limit development may be appealed per section 15.20.110.

   c. Substitute fees. In cases where the applicant demonstrates to the satisfaction of the Director of Community and Economic Development that a suitable compensation site does not exist, the Director of Community and Economic Development may allow the applicant to make a financial contribution to an established environmental project or program. The project or program must improve environmental quality within the Port Angeles Regional watershed. The amount of the fee must be equal to the cost of mitigating the impact of stream or shoreline alteration and must be approved by the Director of Community and Economic Development.

3. Mitigation plans. All restoration and compensation required for development exceptions shall follow a mitigation plan prepared by qualified professional experts as prescribed in PAMC 15.20.060.b.4 containing the following components:

   a. Baseline information. Quantitative data shall be collected and analyzed for both the impacted environmentally sensitive area and the proposed mitigation site, if different from the impacted environmentally sensitive area, following procedures approved by the Director of Community and Economic Development;

   b. Environmental goals and objectives. Goals and objectives describing the purposes of the mitigation measures shall be provided, including a description of site selection criteria, identification of target evaluation species and resource functions;
c. **Performance standards.** Specific criteria for fulfilling environmental goals and objectives, and for beginning remedial action or contingency measures shall be provided, including water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

d. **Detailed construction plan.** Written specifications and descriptions of mitigation techniques shall be provided, including the proposed construction sequence, accompanied by detailed site diagrams and blueprints that are an integral requirement of any development proposal.

e. **Monitoring program.** A program outlining the approach for assessing a completed project shall be provided, including descriptions or proposed experimental and control site survey or sampling techniques. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the mitigation project. A report shall be submitted at least twice yearly documenting milestones, successes, problems and contingency actions of the restoration or compensation project. The Director of Community and Economic Development shall require that the applicant monitor the compensation or restoration project for a minimum of two years.

f. **Contingency plan.** A plan shall be provided fully identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. **Performance and maintenance securities.** Securities ensuring fulfillment of the mitigation project, monitoring program and any contingency measures shall be posted pursuant to section 15.20.100.

4. **Final approval.** The Director of Community and Economic Development shall grant final approval of a completed restoration or compensation project if the final report of the project mitigation plan satisfactorily documents that the area has achieved all requirements of this section.

(Ord. 3570 § 1, 12/20/2016; Ord. 3179 § 3 (part), 12/17/2004; Ord. 2972 § 1 (part), 2/13/1998; Ord. 2915 § 1 (part), 6/14/1996; Ord. 2656 § 1 (part), 11/29/1991.)

15.20.090 - Sensitive area tracts.

As a condition of any permit issued pursuant to this chapter, the permit holder may be required to create a separate sensitive area tract or tracts containing the areas determined to be environmentally sensitive in field investigations performed pursuant to subsection 15.20.040.E. Sensitive area tracts are legally created tracts containing environmentally sensitive features and their buffers that shall remain undisturbed in perpetuity. Sensitive area tracts are an integral part of the lot in which they are created, are not intended for sale, lease or transfer, and shall be included in the area of the parent lot for purposes of subdivision method and zoning regulations.

A. **Legal protection of sensitive area tracts.** When the Director of Community and Economic Development requires the creation of a sensitive area tract as a condition of any permit issued pursuant to this chapter, the sensitive area tract or tracts shall be protected by one of the following methods to be determined by the Director of Community and Economic Development:

1. **Easement.** The permit holder shall convey an irrevocable offer to dedicate to the City of Port Angeles, or other public or non-profit entity specified by the Director of Community and Economic Development, an easement for the protection of the environmentally sensitive area; or

2. **Deed restriction.** The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of all lots containing a sensitive area tract or tracts
created as a condition of any permit. Such deed restriction(s) shall prohibit in perpetuity the
development, alteration, or disturbance of vegetation within the sensitive area tract, except
for purposes of habitat enhancement as part of an enhancement project which has
received prior written approval from the City of Port Angeles and any other agency with
jurisdiction over such activity. The deed restriction shall also contain the following
language:

"Before, beginning, and during the course of any grading, building construction, or other
development activity on a lot or development site subject to this deed restriction, the
common boundary between the area subject to the deed restriction and the area of
development activity must be fenced or otherwise marked to the satisfaction of the City of
Port Angeles".

3. Additional note. The following note shall appear on the face of all plats, short plats, PRDs,
or other approved site plans containing separate sensitive area tracts and shall be
recorded on the title of record for all affected lots:

"NOTE: All owners of lots adjoining separate sensitive area tracts identified as sensitive
area easements or protected by deed restriction are responsible for maintenance and
protection of the tracts. Maintenance includes ensuring that no alterations occur within the
separate tract and that all vegetation remains undisturbed for other than natural reasons,
unless the express written authorization of the City of Port Angeles has been received."

B. Identification of sensitive area tracts. The common boundary between a separate sensitive area
tract and the adjacent land must be permanently identified.

1. Signs. Identification shall include permanent signs available at the Planning Division on
treated or metal posts. Sign locations, wording, and size specifications shall be approved
by the Director of Community and Economic Development.

2. Fencing. The Director of Community and Economic Development may require permanent
fencing for the purpose of delineating the sensitive area tract or tracts.

C. Maintenance of sensitive area tracts. Responsibility for maintaining sensitive area tracts shall
be held by either the property owner, a homeowners' association, adjacent lot owners, the
permit applicant or designee, or other appropriate entity as approved by the Director of
Community and Economic Development.

(Ord. 3179 § 3 (part), 12/17/2004; Ord. 2979 § 1 (part), 2/13/1998; Ord. 2656 § 1 (part),
11/29/1991)

15.20.100 - Securities and enforcement.

A. Performance securities. The Director of Community and Economic Development may require the
applicant of a development proposal to post a cash performance bond or other acceptable security to
guarantee that the applicant will properly construct all structures and improvements required by this
chapter. The security shall guarantee that the work and materials used in construction are free from
defects. All securities shall be on a form approved by the Director of Community and Economic Development. Until written release of the security, the security may not be terminated or canceled. The Director of Community and Economic Development shall release the security upon determining that all structures and improvements have been satisfactorily constructed and upon the posting by
the applicant of a maintenance security if one is required.

B. Maintenance securities. The Director of Community and Economic Development may require the
applicant to post a cash maintenance bond or other acceptable security guaranteeing that structures
and improvements required by this chapter satisfactorily perform for a minimum of two years. This
requirement shall also apply in the case of required mitigation improvements. All securities shall be
on a form approved by the Director of Community and Economic Development. Until written release
of the security, the principal or surety may not be terminated or canceled. The Director of Community and Economic Development shall release the security upon determining that performance standards established for evaluating the effectiveness and success of the structures and improvements have been satisfactorily met. The performance standards shall be approved by the Director of Community and Economic Development and contained in the mitigation plan developed and approved during the review process.

C. **Renewable bonds.** Any bonds required by this section may be in the form of one-year bonds to be renewed as appropriate.

D. **Enforcement.** Violations of this chapter shall be subject to the enforcement provisions of the Port Angeles Municipal Code.

(Ord. 3179 § 3 (part), 12/17/2004; Ord. 2979 § 1 (part), 2/13/1998; Ord. 2656 § 1 (part), 11/29/1991.)

15.20.110 - Appeals.

A. Any person aggrieved by the decision of the Director of Community and Economic Development may appeal the decision to the City Council.

B. Appeals shall be submitted to the Planning Division in writing within 14 days following the date of notification of the decision.

C. The City Council shall conduct an open record public hearing on the appeal of the Director of Community and Economic Development's decision with notice being given for the time, place, and purpose of the hearing at least 15 days prior to the date of the public hearing by publishing in the City's officially designated newspaper, by posting the subject property in a conspicuous manner, and by mailing to the latest recorded real property owners within at least 300 feet of the boundary of the subject site as shown by the records of the County Assessor.

D. The City Council's decision shall be final unless appealed to Clallam County Superior Court within 21 days of such decision.

(Ord. 3179 § 3 (part), 12/17/2004; Ord. 2979 § 1 (part), 2/13/1998)

CHAPTER 15.24 - WETLANDS PROTECTION

15.24.010 - Findings of fact and purpose.

A. **Findings of fact.** The City Council of the City of Port Angeles hereby finds that:

1. Wetlands and their buffer areas are valuable and fragile natural resources with significant development constraints due to flooding, erosion, soil liquefaction potential, and septic disposal limitations.

2. In their natural state, wetlands provide many valuable social services and ecological functions, including:
   a. Controlling flooding and stormwater runoff by storing or regulating natural flows;
   b. Protecting water resources by filtering out water pollutants, processing biological and chemical oxygen demand, recycling and storing nutrients, and serving as settling basins for naturally occurring sedimentation;
   c. Providing areas for groundwater recharge;
   d. Preventing shoreline erosion by stabilizing the substrate;
e. Providing habitat areas for many species of fish, wildlife, and vegetation, many of which are dependent on wetlands for their survival, and some of which are on Washington State and Federal Endangered Species lists;

f. Providing open space and visual relief from intense development in urbanized areas;

g. Providing recreation opportunities; and

h. Serving as areas for scientific study and natural resource education.

3. Development in wetlands results in:

a. Increased soil erosion and sedimentation of downstream water bodies, including navigable channels;

b. Increased shoreline erosion;

c. Degraded water quality due to increased turbidity and loss of pollutant removal processes;

d. Elimination or degradation of wildlife and fisheries habitat;

e. Loss of fishery resources from water quality degradation, increased peak flow rates, decreased summer low flows, and changes in the streamflow regimen;

f. Loss of stormwater retention capacity and slow-release detention resulting in flooding, degraded water quality, and changes in the streamflow regimen of watersheds;

g. Loss of groundwater recharge areas.

4. Buffer areas surrounding wetlands are essential to maintenance and protection of wetland functions and values. Buffer areas protect wetlands from degradation by:

a. Stabilizing soil and preventing erosion;

b. Filtering suspended solids, nutrients, and harmful or toxic substances;

c. Moderating impacts of stormwater runoff;

d. Moderating system microclimate;

e. Protecting wetland wildlife habitat from adverse impacts;

f. Maintaining and enhancing habitat diversity and/or integrity;

g. Supporting and protecting wetlands plant and animal species and biotic communities; and

h. Reducing disturbances to wetland resources caused by intrusion of humans and domestic animals.

5. The loss of the social services and ecological functions provided by wetlands results in a detriment to public safety and welfare; replacement of such functions, if possible at all, can require considerable public expenditure.

6. A considerable acreage of these important natural resources has been lost or degraded by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural uses of such areas. Remaining wetlands are in jeopardy of being lost, despoiled, or impaired by such acts.

7. It is therefore necessary for the City of Port Angeles to ensure maximum protection for wetland areas by discouraging development activities in wetlands and those activities at adjacent sites that may adversely affect wetland functions and values; to encourage restoration and enhancement of already degraded wetland systems; and to encourage creation of new wetland areas.

B. **Purpose.** It is the policy of the City of Port Angeles to require site planning to avoid or minimize damage to wetlands wherever possible; to require that activities not dependent upon a wetland location be located at upland sites; and to achieve no net loss of wetlands by requiring restoration or
enhancement of degraded wetlands or creation of new wetlands to offset losses which are unavoidable.

In addition, it is the intent of the City of Port Angeles that activities in or affecting wetlands not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values by:

1. Impeding flood flows, reducing flood storage capacity, or impairing natural flood control functions, thereby resulting in increased flood heights, frequencies, or velocities on other lands;
2. Increasing water pollution through location of domestic waste disposal systems in wetlands; unauthorized application of pesticides and herbicides; disposal of solid waste at inappropriate sites; creation of unstable fills, or the destruction of wetland soils and vegetation;
3. Increasing erosion;
4. Decreasing breeding, nesting, and feeding areas for many species of waterfowl and shorebirds, including those rare and endangered;
5. Interfering with the exchange of nutrients needed by fish and other forms of wildlife;
6. Decreasing habitat for fish and other forms of wildlife;
7. Adversely altering the recharge or discharge functions of wetlands, thereby impacting groundwater or surface water supplies;
8. Significantly altering wetland hydrology and thereby causing either short- or long-term changes in vegetational composition, soils characteristics, nutrient cycling, or water chemistry;
9. Destroying sites needed for education and scientific research, such as outdoor biophysical laboratories, living classrooms, and training areas;
10. Interfering with public rights in navigable waters and the recreation opportunities provided by wetlands for fishing, boating, hiking, birdwatching, photography, and other passive uses; or
11. Destroying or damaging aesthetic and property values, including significant public viewsheds.

The purposes of this chapter are to protect the public health, safety, and welfare by preventing the adverse environmental impacts of development enumerated in section 15.24.010, and by:

1. Preserving, protecting, and restoring wetlands by regulating development within them and their buffers;
2. Protecting the public against losses from:
   a. Unnecessary maintenance and replacement of public facilities, including the dredging of ports and navigation channels;
   b. Publicly funded mitigation of avoidable impacts;
   c. Cost for public emergency rescue and relief operations; and
   d. Potential litigation from improper construction practices authorized for wetland areas;
3. Alerting appraisers, assessors, owners, and potential buyers or lessees to the development limitations of wetlands;
4. Providing City of Port Angeles officials with information to evaluate, approve, condition, or deny public or private development proposals;
5. Adopting the Governor's interim goal of achieving no overall net loss in acreage and functions of Washington's remaining wetland base and the long-term goal of increasing the quantity and quality of Washington's wetland resource base;
6. Implementing the goals and policies of the City of Port Angeles Comprehensive Plan encouraging development compatible with the environment of the City, encouraging development to provide open space, encouraging development to preserve and
incorporate existing "unusual, unique and interesting natural features", reducing development intensity as natural environmental constraints increase, and avoiding intensive development of sites with severe environmental constraints;

7. Implementing the policies of the Growth Management Act; the State Environmental Policy Act, Chapter 43.21C RCW; the Puget Sound Water Quality Management Plan; Washington State Executive Order 90-04; Port Angeles Environmental Policy Ordinance, Chapter 15.04 of the Port Angeles Municipal Code; Port Angeles Shoreline Management Ordinance, Chapter 15.08 of the Port Angeles Municipal Code; Port Angeles Flood Damage Prevention Ordinance, Chapter 15.12 of the Port Angeles Municipal Code; the Port Angeles Zoning Code; the Port Angeles Stormwater Management Plan; and all other present and future City of Port Angeles functional, environmental, and community plans, programs and ordinances.

(Ord. 3179 § 3 (part), 12/17/2004; Ord. 2655 § 1 (part), 11/29/1991)

15.24.020 - Definitions.

In addition to definitions contained in Chapter 15.02, the following definitions shall apply. Where definitions exist in both Chapter 15.02 and section 15.24.020, the definitions in 15.24.020 shall apply:

A. "Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

B. "Buffer" means an undisturbed area adjacent to a wetland area that is required to permanently remain in an undisturbed and untouched condition to protect or enhance the functions of the wetland area and is considered part of the wetland area. A buffer is different than a setback.

C. "Clearing" means the removal of timber, brush, grass, ground cover, or other vegetative matter from a site which exposes the earth's surface on the site or results in the loss of forested areas.

D. "Compensation project" means actions necessary to replace project-induced wetland and wetland buffer losses, including land acquisition, planning, construction plans, monitoring, and contingency actions.

E. "Compensation" or "compensatory mitigation" means a form of mitigation that replaces project-induced wetland losses or impacts, and includes, but is not limited to, restoration, enhancement, substitute resources, creation, and preservation which are defined as follows:

1. "Restoration" means actions performed to reestablish wetlands or their buffer area's functional and value characteristics and processes which have been lost by alterations, activities, or catastrophic events within an area;
   a. Active steps taken to restore damaged wetlands, or their buffers to the functioning condition that existed prior to an alteration; and
   b. Actions performed to reestablish structural and functional characteristics of wetlands that have been lost by alteration, past management activities, or catastrophic events.

2. "Enhancement" means actions performed to improve the condition of an existing environmentally sensitive area so that the functions and values provided are of a higher quality;

3. "Substitute resources" means actions performed to provide for an alternative environmentally sensitive area; or

4. "Creation" means actions performed to intentionally establish or expand an environmentally sensitive area where it did not formerly exist.
5. “Preservation” means actions taken to ensure the permanent protection of existing, high-quality environmentally sensitive areas.

F. “Developable area” means an area of land outside of wetlands and wetland buffers.

G. “Director” means the Director of Community and Economic Development or an authorized agent of the Director.

H. “Existing and ongoing agriculture” includes those activities conducted on lands defined in RCW 84.34.030(2), and those activities involved in the production of crops or livestock. For example, the operation and maintenance of farm and stock ponds or drainage ditches; operation and maintenance of ditches; irrigation systems including irrigation laterals, canals, or irrigation drainage ditches; changes between agricultural activities; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

I. “Extraordinary hardship” means strict application of this title and/or programs adopted to implement this title by the City of Port Angeles would prevent all reasonable economic use of the parcel.

J. “Functions”, “beneficial functions”, or “functions and values” means the beneficial roles served by wetlands, including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation; groundwater recharge and discharge; erosion control; wave attenuation; historical and archaeological and aesthetic value protection; protection from hazards, and recreation. These beneficial roles are not listed in order or priority.

K. “High intensity land use” includes land uses which are associated with high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, residential development greater than seven dwelling units per acre, active recreation, and commercial and industrial land uses.

L. “High quality wetlands” are those regulated wetlands which meet the following criteria:
   1. No, or isolated, human alteration of the wetland topography;
   2. No human-caused alteration of the hydrology or else the wetland appears to have recovered from the alteration;
   3. Low cover and frequency of exotic plant species;
   4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
   5. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and
   6. No known major water quality problems

M. “Hydric soil” means a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Department of Ecology Wetland Identification and Delineation Manual. For the purposes of identifying wetland environmentally sensitive areas, hydric soils that qualify as “prime agricultural soils” only through artificial means that will impair the existence of natural wetlands (specifically soils that are prime agricultural land only when drained), are considered potential wetlands indicators for the purposes of this chapter, and are not to be considered agricultural resource lands.
N. "Hydrophytic vegetation" means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).

O. "In-kind compensation" means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category".

P. "Isolated wetlands" means those regulated wetlands which:
   1. Are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream; and
   2. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

Q. "Low-intensity land use" includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts, including, but not limited to, residential density of seven or fewer dwelling units per acre, passive recreation, open space, or agricultural or forest management land uses.

R. "Mitigation" means taking measures including avoiding, minimizing, or compensating for adverse wetland impacts. Mitigation, in the following order of preference, is:
   1. Avoiding the impact altogether by not taking a certain action or parts of an action;
   2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
   3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
   4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
   5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
   6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above measures.

S. "Non-compensatory enhancement": Non-compensatory enhancements are those wetland enhancement projects which are conducted solely to increase the functions and values of an existing wetland and which are not required to be conducted pursuant to the requirements of section 15.24.070(H)(6).

T. "Off-site compensation" means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

U. "On-site compensation" means to replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

V. "Out-of-kind compensation" means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category".

W. "Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to regulated wetlands. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purposes of the proposed activity.
X. "Qualified professional": A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

Y. "Regulated activities" means any of the following activities which are directly undertaken or originate in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
2. The dumping, discharging, or filling with any material;
3. The draining, flooding, or disturbing of the water level or water table;
4. The driving of pilings;
5. The placing of obstructions;
6. The construction, reconstruction, demolition, or expansion of any structure;
7. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland; provided that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules; or
8. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of a wetland's water sources, including quantity, or the introduction of pollutants.

Z. "Regulated wetlands" means ponds 20 acres or less, including their submerged aquatic beds, and those lands defined as wetlands under the Federal Clean Water Act, 33 USC § 1251 et seq., and rules promulgated pursuant thereto and shall be those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Category I, II, III and IV wetlands are defined in subsection 15.24.040.D, Wetlands Rating System. All Category I wetlands shall be considered regulated wetlands. Regulated wetlands do not include Category II and III wetlands less than 2,500 square feet and Category IV wetlands less than 10,000 square feet. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. The applicant shall bear the burden of proving that the site was not previously a wetland. For identifying and delineating a regulated wetland, local government shall consider the latest version of the Washington State Department of Ecology Wetland Identification and Delineation Manual.

AA. "Repair" or "maintenance" means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

BB. "Serviceable" means presently usable.
“Unavoidable and necessary impacts” are impacts to regulated wetlands that remain after an applicant proposing to alter regulated wetlands has demonstrated that no additional mitigation measures are practicable.

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

“Wetland buffers” or “wetland buffer zones” is an area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.

“Wetland classes”, “classes of wetlands”, or “wetland types” means descriptive classes of the wetlands taxonomic classification system of the Washington State Wetland Rating System for Western Washington (Ecology Publication #04-06-025). Wetlands include the following classes or types:

1. “Emergent wetland” means a regulated wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
2. “Forested wetland” means a regulated wetland with at least 20 percent of the surface area covered by woody vegetation greater than 20 feet in height.
3. “Scrub-shrub wetland” means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost stratum.
4. “Estuarine wetland” means a regulated wetland that consists of or is adjacent to tidal habitats and is usually semi-enclosed by land but often have open, partly obstructed, or sporadic access to saltwater, and in which saltwater is at least occasionally diluted by freshwater runoff from the land. Estuarine systems include both estuaries and lagoons.

“Wetlands permit” means any permit issued, conditioned, or denied specifically to implement this chapter.

“Wetland edge” means the boundary of a wetland as delineated based on the definitions contained in this chapter.

(Ord. 3582 § 1, 6/20/2017; Ord. 3179 § 4 (part), 12/17/2004; Ord. 2655 § 1 (part), 11/29/1991.)

15.24.030 - General provisions.

A. Abrogation and greater restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

(Ord. 2655 § 1 (part), 11/29/1991.)

15.24.040 - Lands to which this chapter applies.
A. **Applicability.**

1. When any provision of any other chapter of the Port Angeles Municipal Code conflicts with this chapter, that which provides more protection to wetlands and wetland buffers shall apply unless specifically provided otherwise in this chapter.

2. The Director of Community and Economic Development is authorized to adopt written procedures for the purpose of carrying out the provisions of this chapter. Prior to fulfilling the requirements of this chapter, the City of Port Angeles shall not grant any approval or permission to conduct a regulated activity in a wetland or wetland buffer, including but not limited to the following: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; clearing and grading permit; master plan development; planned residential development; right-of-way permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; shoreline environmental redesignation; unclassified use permit; variance; zone reclassification; subdivision; short subdivision; special use permit; utility and other use permit; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

B. **Maps and inventory.** This chapter shall apply to all lots or parcels on which wetlands and/or wetland buffers are located within the jurisdiction of the City of Port Angeles. The approximate location and extent of wetlands in the City of Port Angeles is displayed on the following maps:

1. Wetlands identified on U.S. Fish and Wildlife Service National Wetlands Inventory Angeles Point, Ediz Hook, Elwha, Morse Creek, and Port Angeles maps.

2. Hydric soils and "wet spots" identified by the USDA Soils Conservation Service Soil Survey of Clallam County area maps numbers 22, 31, 32, 33.

3. City of Port Angeles Composite Wetland Inventory and Hydric Soils map, as may be modified from time to time.

These map resources are to be used as a guide to the general location and extent of wetlands. Wetlands not shown on these maps but meeting the criteria set forth in this chapter are presumed to exist in the City of Port Angeles and are protected under all the provisions of this chapter. In the event that any of the wetland designations shown on the maps conflict with the criteria set forth in this chapter, the criteria shall control.

C. **Determination of regulatory wetland boundary.** The exact location of the wetland boundary shall be determined through the performance of a field investigation applying the wetland definition provided in section 15.24.020 of this chapter. Qualified professionals shall perform wetland delineations using the latest version of the approved federal wetland delineation manual and applicable regional supplements. An applicant for a wetland permit is required under subsection 15.24.060.C.3. to show the location of the wetland boundary on a scaled drawing as a part of the permit application.

The Director of Community and Economic Development shall decide whether the qualified professionals who perform the delineation of boundary requirement are retained by the applicant or by the City with the applicant paying the City for the costs in accordance with the provisions of subsection 15.24.060.C.4. of this chapter.

Where the delineation is performed under the Director of Community and Economic Development's direction, such delineation shall be considered a final determination.

Where the applicant has provided a delineation of the wetland boundary, the Director of Community and Economic Development shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Director of Community and Economic Development shall, at the applicant's expense, obtain expert services to render a final delineation.
D. **Wetlands rating system.** The following Washington State rating system is hereby adopted as the rating system for the City of Port Angeles. Wetlands buffer widths, replacement ratios, and avoidance criteria shall be based on these rating systems.

1. **Washington State Four-Tier Wetlands Rating System.**
   
a. **Category I criteria.**
   
i. Documented habitat for endangered or threatened fish or animal species or for potentially extirpated plant species recognized by State or Federal agencies; or
   
ii. High quality native wetland communities, including documented Category I or II quality natural heritage wetland sites and sites which qualify as a Category I or II quality national heritage wetland; or
   
iii. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or
   
iv. Wetlands of exceptional local significance. The criteria for such a designation shall be developed and adopted by the local jurisdiction under appropriate public review and administrative appeal procedures. The criteria may include, but not be limited to, rarity, groundwater recharge areas, significant habitats, unique educational sites, or other specific functional values within a watershed or other regional boundary.
   
b. **Category II criteria.**
   
i. Regulated wetlands that do not contain features outlined in Category I; and
   
   ii. Documented habitats for sensitive plant, fish, or animal species recognized by Federal or State agencies; or
   
   iii. Rare wetland communities listed in subsection 15.24.040.D.1.a.iii. which are not high quality; or
   
   iv. Wetland types with significant functions which may not be adequately replicated through creation or restoration.
   
   v. Regulated wetlands with significant habitat value based on diversity and size.
   
   vi. Regulated wetlands contiguous with salmonid fish-bearing waters, including streams where flow is intermittent; or
   
   vii. Regulated wetlands with significant use by fish and wildlife.
   
   viii. Wetlands that contain plant, fish or animal species listed as priority species by the Department of Fish and Wildlife.
   
c. **Category III criteria.**
   
i. Regulated wetlands that do not contain features outlined in Category I, II, or IV.
   
d. **Category IV criteria.**
   
i. Regulated wetlands which do not meet the criteria of a Category I or II wetland; and
   
   ii. Isolated wetlands which are less than or equal to one acre in size; and have only one wetland class; and have only one dominant plant species (monotypic vegetation); or
   
   iii. Isolated wetlands which are less than or equal to two acres in size, and have only one wetland class and a predominance of exotic species.
   
2. Wetland rating categories shall be applied as the regulated wetland exists on the date of adoption of the rating system by the local government; as the regulated wetland may naturally change thereafter; or as the regulated wetland may change in accordance with permitted activities. Wetland rating categories shall not be altered to recognize illegal modifications.
3. The City of Port Angeles shall apply the latest version of the Washington State Department of Ecology "Washington State Wetlands Rating System for Rating the Resource Value of Regulated Wetlands" and "Field Methodology" as its procedures for the wetland rating system.

4. The City of Port Angeles will initially rate wetlands based on information derived from available maps, reports, and similar materials. Wetlands may be reclassified into another category at a subsequent date should field surveys or other new materials warrant such action.

(Ord. 3582 § 1, 6/20/2017; Ord. 2655 § 1 (part), 11/29/1991)


Wetlands functional assessment section is intended to assist in establishing a values based system for reviewing and approving wetland permit requests and mitigation plans. The wording will bring the Port Angeles method of wetland protection into closer consistency with the Clallam County method of evaluations.

Wetlands provide valuable functions in providing and/or facilitating high quality habitat for plant and animal species. Some of these plants and animals have been classified as endangered, threatened, or monitored species, either by the federal government or by the State of Washington. Most of the wetlands in Port Angeles do not provide primary habitat for these plants or animals; however, all wetland functions facilitate a quality environment in areas that do provide primary habitat. Water that enters streams, lakes, marine environments or groundwater eventually impacts habitat. Wetlands function to cleanse and cool those waters, as well as moderate the rate of flow into larger bodies of water. The functions of wetlands are discussed in more detail in the following section.

Wetlands shall be classified based on hydrology types specified in Table 1 and assessed on hydrologic functions as specified in Table 2. Wetland functions are also assessed through the Class I - Class IV as characterized in section 15.24.040.

<table>
<thead>
<tr>
<th>Hydrology Type</th>
<th>Landscape Position</th>
<th>Water Source**</th>
<th>Water Output*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>Shallow soils formed on glacial till on hillsides</td>
<td>Perched</td>
<td>Discharges to stream</td>
</tr>
<tr>
<td>Type 2</td>
<td>Moderately deep soils found in basins and drainage ways formed in depressions in glacial drift on hills</td>
<td>Perched</td>
<td>Initiates streams</td>
</tr>
<tr>
<td>Type 3</td>
<td>Very deep soils occurring on basins on low terraces formed in alluvium (i.e., stream deposited materials)</td>
<td>Perched</td>
<td>Enclosed basin</td>
</tr>
<tr>
<td>Type 4</td>
<td>Wetlands found in depressions associated with coarse material over glacial till</td>
<td>Unconfined aquifer</td>
<td>Unconfined aquifer</td>
</tr>
<tr>
<td>Type 5</td>
<td>Very deep soils on level terraces and in valleys, formed in organic material</td>
<td>Unconfined aquifer</td>
<td>Initiates or supplements streamflow</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Type 6</td>
<td>Very deep soils on low level terraces and floodplains formed in alluvium near marine shorelines</td>
<td>Unconfined aquifer, tidally influenced</td>
<td>Lower reaches of streams and marine waters</td>
</tr>
<tr>
<td>Type 7</td>
<td>Wetlands formed along the margin of surficial geological units that have a restrictive layer (i.e., glacial till), where they come into contact with unrestricted coarse units</td>
<td>Perched or unconfined aquifer</td>
<td>Unconfined aquifer</td>
</tr>
<tr>
<td>Type 8</td>
<td>Wetlands formed within the floodplain of streams</td>
<td>Stream discharges to wetland</td>
<td>Wetland discharges to stream</td>
</tr>
<tr>
<td>Type 9</td>
<td>Wetlands (e.g., bogs) located in depressions where water tables are at or near the surface normally year-round</td>
<td>Precipitation</td>
<td>Evapotranspiration</td>
</tr>
<tr>
<td>Type 10</td>
<td>Floodplains underlain by glacial till</td>
<td>Perched</td>
<td>Discharges to stream</td>
</tr>
<tr>
<td>Type 11</td>
<td>Wetlands associated with lakes</td>
<td>Lake</td>
<td>Lake</td>
</tr>
<tr>
<td>Type 12</td>
<td>Wetlands located along marine shorelines behind coastal dunes, other land forms or structures</td>
<td>Marine, tidally influenced</td>
<td>Marine and evapotranspiration</td>
</tr>
</tbody>
</table>

* Refers to the factors that control the sources(s) of water to a wetland and where the water goes after leaving the wetland.

** Refers to natural wetland hydrology (i.e., does not include hydrologic modifications.)

A. **Wetland hydrologic functions** shall be classified by the effect that classified wetland hydrology types have on the overall flow and quality of water in the watershed in comparison to nonwetland areas. For the purposes of this chapter, wetland hydrologic functions are defined as follows.

1. **Floodflow desynchronization.** Ability of a wetland to retain/detain floodwaters in the upper watershed, reducing the severity of flooding and increasing the time of concentration above that which occurs in adjacent upslope areas.

2. **Surface water treatment.** This wetland function is significant but not in the context that wetlands act as the major source of surface water flow. Although some wetlands do provide a significant
amount of surface water to streams and rivers, the impacts are significant due to the fact that wetlands in contact with surface water flows are capable of treating water quality prior to its entry into the surface water body.

a. **Nutrient removal/transformation opportunity.** Ability of a wetland to retain or transform inorganic phosphorus and/or nitrogen into their organic forms, or transform nitrogen into its gaseous form on either a net annual basis, or during the growing season.

b. **Sediment/toxicant/bacterial retention.** Ability of a wetland to retain suspended solids and chemical contaminants such as pesticides, pathogens, and heavy metals absorbed by them, on a net annual basis.

c. **Seawater intrusion prevention.** Those wetlands which are the boundary between the unconfined aquifer and the marine environment. Loss of water supply or drainage of wetlands will likely increase seawater intrusion into estuarine wetlands.

d. **Streamflow/channel maintenance.** Wetlands that due to detention or groundwater discharge supply a significant proportion of streamflow during summer and fall. These areas regulate the amount and timing of stream energy and therefore are crucial to defining the shape of stream channels since they largely determine the shape of the hydrograph.

e. **Temperature maintenance.** Those wetlands that provide thermal refuges during winter and summer months, due to influence from springs or contact with the unconfined aquifer. During summer months wetlands with this function are important as fish habitat for salmonids; during winter months, these wetlands provide waterfowl habitat by maintaining ice-free conditions.

f. **Water availability.** The ability of a wetland through hydrologic continuity to provide surface water for migratory and resident species based on the timing, duration, and depth of surface water availability.

3. **Groundwater recharge.** This wetland function is significant but not in the context that wetlands act as the major locations of ground water recharge to aquifers. Although some wetlands do provide a significant amount of ground water recharge, ground water recharge is significant due to the fact that wetlands in contact with the aquifer are most susceptible to carrying pollutants to the aquifer. Conversely, if managed properly, such wetlands could assist in the treatment of pollutants already carried in the aquifer.

a. **Nutrient removal/transformation opportunity.** Ability of a wetland to retain or transform inorganic phosphorus and/or nitrogen into their organic forms, or transform nitrogen into its gaseous form on either a net annual basis, or during the growing season.

b. **Sediment/toxicant/bacterial retention.** Ability of a wetland to retain suspended solids and chemical contaminants such as pesticides, pathogens, and heavy metals absorbed by them, on a net annual basis.

c. **Seawater intrusion prevention.** Those wetlands which are the boundary between the unconfined aquifer and the marine environment. Loss of water supply or drainage of wetlands will likely increase seawater intrusion to unconfined aquifers supplying drinking water to coastal inhabitants. The City of Port Angeles has no unconfined aquifers that supply drinking water to coastal inhabitants.

d. **Streamflow/channel maintenance.** Wetlands that due to detention or groundwater discharge supply a significant proportion of streamflow during summer and fall. These areas regulate the amount and timing of stream energy and therefore are crucial to defining the shape of stream channels since they largely determine the shape of the hydrograph.

e. **Temperature maintenance.** Those wetlands that provide thermal refuges during winter and summer months, due to influence from springs or contact with the unconfined aquifer. During summer months wetlands with this function are important as fish habitat for
salmonids; during winter months, these wetlands provide waterfowl habitat by maintaining ice-free conditions.

f. **Water availability.** The ability of a wetland through hydrologic continuity to provide surface water for migratory and resident species based on the timing, duration, and depth of surface water availability.

B. **Drinking water.** Ability of a wetland to recharge, maintain, and/or enhance surface or ground water resources that yield potable water in sufficient quantities to be economically useful. Provision of potable water in sufficient quantities to be economically useful is a low priority within the existing City limits.

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Assessment of Wetland Hydrologic Functions</th>
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<tr>
<td>Wetland Hydrology Types</td>
<td>1</td>
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<tr>
<td>Hydrologic Function</td>
<td>Flood storage</td>
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<tr>
<td></td>
<td>Floodflow desynchronization</td>
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<td>Streamflow and channel maintenance</td>
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<td>Ground water recharge</td>
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<td>Sediment/bacterial removal</td>
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<td>Nutrient removal</td>
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<td>Toxicant removal opportunity</td>
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<td>Seawater intrusion prevention</td>
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<td>Drinking water</td>
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<td>Water availability for fish</td>
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<td>Water availability for amphibians</td>
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<td>Water availability for migratory waterfowl</td>
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Water availability for other wildlife

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<th>L</th>
<th>H</th>
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<tr>
<td>H = High functional value</td>
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<tr>
<td>L = performs this function to a limited degree</td>
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<td>N = Does not perform function</td>
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<td>* = High value if associated with wetland hydrology</td>
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</table>

C. **Wetland habitat functions.** Wetland landscape functions shall be characterized and assessed based on existing wetland and adjacent upland conditions, landscape position, documented species use, and existing management /modifications pursuant to the criteria in subsections 2.a. through 2.i. of this section as they relate to the subject property or within the jurisdiction of this chapter as it applies to regulated wetlands. Based on these criteria, habitat functions shall be further classified into one of four wetland classes, as specified in subsection 15.24.040.D. with Class I being the most functional and Class IV being the least functional.

1. **Habitat type.** Classify and delineate wetland habitat types based on the U.S. Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats, Dated 1979, as now or hereafter amended. Identify the dominant vegetation communities associated with each classified wetland habitat type.

2. **Habitat diversity.** Calculate both the total number of wetland habitat types and the different wetland habitat types identified in subsection 2.a. of this section for each wetland.

3. **Habitat size.** Calculate the total wetland acreage and acreage of each individual habitat type identified in subsection 2.a. of this section for each wetland.

4. **Upland habitat type.** Classify and delineate all lands into one or more of the following land cover categories: developed lands; agriculture; non-native plant species; water; native upland grasses; native forests less than 20 feet in height; native forest greater than 20 feet in height; and mature conifers.

5. **Significant habitat features.** Identify and delineate the presence of significant habitat features including, but not limited to: estuaries, snags, islands, rare or unique plant communities, mature conifers, Class I wildlife habitat conservation areas, and/or wetlands classified as exhibition a high functional value of water availability for migratory waterfowl or other wildlife species.

6. **Species use.** Identify and delineate all known priority habitats for species listed as species of concern or priority species.

7. **Anadromous fish use.** Identify wetlands contiguous to Type 1—23 aquatic habitat conservation areas, or other waters containing anadromous fisheries recognized by local or state public agencies.

8. **Significant wildlife movement corridor.** Identify whether one or more of the following areas is located within:
   a. Land and water areas designated as shorelines in the Shoreline Management Act of 1971 and the City of Port Angeles Shoreline master Program;
   b. Lands designated as significant wildlife movement corridors, open space and greenbelt corridors;
   c. Federal, state, and local parks, wildlife refuges, and other protected natural areas;
d. Easements or other dedicated lands granted to the City of Port Angeles or other organizations devoted to protection and management of critical areas, open spaces, or wildlife habitat.

9. *Management and modification.* Identify existing management and alterations of wetlands, and the impact of such actions on the above classification. Wetlands management activities include, but are not limited to: forestry, livestock grazing, agriculture, commercial recreation (e.g., golf courses), residential (e.g., lawns), public lands (e.g., parks, natural areas), and/or land not managed for any other use. Wetland alterations include, but are not limited to: flooding, impounding of water, excavation, filling, grading, draining, or discharge from irrigation or drainage facilities.

(Ord. 3179 § 4, (part), 12/17/2004)

15.24.050 - Regulated activities and allowed activities.

A. *Regulated activities.* A permit shall be obtained from local government prior to undertaking the following activities in a regulated wetland or its buffer, unless authorized by subsection B. below:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
2. The dumping, discharging, or filling with any material;
3. The draining, flooding, or disturbing of the water level or water table.
4. The driving of pilings;
5. The placing of obstructions;
6. The construction, reconstruction, demolition, or expansion of any structure;
7. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland, provided that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules; or
8. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants. Stormwater discharges from stormwater facilities or structures may be allowed when they are in accordance with City of Port Angeles’ stormwater plan. In accordance with Appendix I-D of the Department of Ecology's SWMMWW (2014), the discharge shall not significantly increase or decrease the rate of flow and/or hydroperiod, nor decrease the water quality of the wetland. Pre-treatment of surface water discharge through biofiltration or other best management practices (BMPs) shall be required. Bioretention cells and swales, and conversion of existing drainage ditches to bioretention cells and swales within the outer 25 percent of a wetland buffer may be allowed if designed in accordance with Department of Ecology's SWMMWW (2014).
9. *Road/street repair and construction.* Any private or public road or street repair, maintenance, expansion or construction may be permitted, subject to the following standards:
   a. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;
   b. Publicly owned or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc; and
   c. The road or street repair and construction are the minimum necessary to provide safe roads and streets.
d. Mitigation shall be performed in accordance with specific project mitigation plan requirements.

10. **Land divisions and land use permits.** All proposed divisions of land and land uses (including but not limited to the following: short plats, subdivisions, planned residential developments, binding site plans, conditional use permits, clearing, grading, and filling permits) which include regulated wetlands, shall comply with the following procedures and development standards:

   a. Regulated wetlands, except the area with permanent open water, and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards, including subsection A.10.c below, are met.

   b. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be dedicated as open space tracts, or as an easement or covenant encumbering the wetland and wetland buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan, and title.

   c. In order to implement the goals and policies of this title, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

   d. After preliminary approval and prior to final land division approval or other land use permit approval, the department may require that the common boundary between a regulated wetland or associated buffer and the adjacent land be identified using permanent signs and/or fencing. In lieu of signs and/or fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland and buffer.

11. **Trails and trail-related facilities.** Construction of public and private trails and trail-related facilities, such as benches and viewing platforms may be allowed in wetlands or wetland buffers pursuant to the following guidelines:

   a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.

   b. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.

   c. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland.

   d. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of 30 feet from the wetland edge, except where wetland crossings or viewing areas have been approved.

   e. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as dike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by the department.

12. **Parks.** Development of public park and recreation facilities may be permitted provided that the following standards are followed:

   No alteration of wetlands or wetland buffers is allowed except for such uses which are allowed below. For example enhancement of wetlands and development of trails may be allowed in
wetlands and wetland buffers subject to special use requirements and approval of a wetland mitigation plan.

B. **Allowed activities.** The following uses shall be allowed within a wetland or wetland buffer to the extent that they are not prohibited by any other ordinance or law and provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected, and provided further that forest practices and conversions shall be governed by Chapter 76.09 RCW and its rules:

1. Conservation or preservation of soil, water vegetation, fish, shellfish, and other wildlife that does not include changing the structure or functions of the existing wetland;
2. Outdoor recreational activities, including but not limited to fishing, birdwatching, hiking, boating, horseback riding, swimming, canoeing, and bicycling;
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions, or water sources;
4. Existing and ongoing agricultural activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it was conducted has been converted to another use or has laid idle so long that modifications to the hydrological regime are necessary to resume operations;
5. The maintenance (but not construction) of drainage ditches;
6. Education, scientific research, and use of nature trails;
7. Navigation aids and boundary markers;
8. Boat mooring buoys;
9. Site investigative work necessary for land use application submittals, such as surveys, soil logs, percolation tests, and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and
10. The following uses are allowed within wetlands and/or wetland buffers provided that written notice at least ten days prior to the commencement of such work has been given to the Director of Community and Economic Development, and provided that wetland impacts are minimized and that disturbed areas are immediately restored:
   a. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road; and
   b. Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions.

C. **Special permit uses.** Any activity other than those specified in subsection B. may not be conducted in wetlands or wetland buffers except upon issuance of a wetland permit by the Director of Community and Economic Development.

(Ord. 3570 § 1, 12/20/2016; Ord. 3330 § 1, 4/25/2008; Ord. 3179 § 4 (part), 12/17/2004; Ord. 2655 § 1 (part), 11/29/1991)

15.24.060 - Procedures for wetland permits.
A. **Permit requirements, compliance.** Except as specifically provided in subsection 15.24.050.B., no regulated activity shall occur or be permitted to occur within a regulated wetland or wetland buffer without a written permit from the Director of Community and Economic Development. Any alteration approved by such written permit shall comply fully with the requirements and purposes of this chapter, other applicable regulations, and any terms or conditions of said permit. All activities which are not allowed or permitted shall be prohibited.

B. **Wetland permits, extensions.** Application for a wetland permit to conduct any regulated activity not specifically authorized by subsection 15.24.050.B. within a wetland or wetland buffer shall be made to the Director of Community and Economic Development on forms furnished by his/her office. Permits shall normally be valid for a period of three years from the date of issue and shall expire at the end of that time, unless a longer or shorter period is specified by the Director of Community and Economic Development upon issuance of the permit.

An extension of an original permit may be granted upon written request to the Director of Community and Economic Development by the original permit holder or the successor in title. Prior to the granting of an extension, the Director of Community and Economic Development shall require updated studies and/or additional hearings if, in his/her judgment, the original intent of the permit is altered or enlarged by the renewal; if the circumstances relevant to the review and issuance of the original permit have changed substantially; or if the applicant failed to abide by the terms of the original permit.

C. **Permit applications.**

1. **Request for determination of applicability:** Any person seeking to determine whether a proposed activity or an area is subject to this chapter may request in writing a determination from the Director of Community and Economic Development. Such a request for determination shall contain plans, data, and other information as may be specified by the Director of Community and Economic Development.

2. **Pre-permit consultations:** Any person intending to apply for a wetland permit is strongly encouraged, but not required, to meet with the Director of Community and Economic Development during the earliest possible stages of project planning in order to discuss wetland impact avoidance and minimization and to discuss compensation, before large commitments have been made to a particular project design. Effort put into pre-application consultations and planning will help applicants create projects which will be more quickly and easily processed.

3. **Information requirements—Wetlands:** Unless the Director of Community and Economic Development waives one or more of the following information requirements, applications for a wetland permit under this chapter shall include a wetland report containing the following information:

   a. A wetland report shall be prepared by a qualified professional.

   b. Area addressed in wetland report. The following areas shall be addressed in a wetland report:

      i. The project area of the proposed activity;

      ii. All wetlands and recommended buffers within 300 feet of the project area;

      iii. All shoreline areas, water features, floodplains, and other environmentally sensitive areas, and related buffers within 300 feet.

   c. **Wetland analysis.** In addition to the minimum required contents of environmentally sensitive area reports, a wetland report shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

      i. A written assessment and accompanying maps of the wetlands and buffers within 300 feet of the project area, including the following information at a minimum:

         (A) Wetland delineation and required buffers;

         (B) Existing wetland acreage;
(C) Wetland category; vegetative, faunal, and hydrologic characteristics;
(D) Soil and substrate conditions; and
(E) Topographic elevations, at two-foot contours.

ii. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.

iii. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
   (A) Existing and proposed wetland acreage;
   (B) Vegetative, faunal, and hydrologic conditions;
   (C) Relationship within watershed and to existing water bodies;
   (D) Soil and substrate conditions, topographic elevations;
   (E) Existing and proposed adjacent site conditions;
   (F) Required wetland buffers; and
   (G) Property ownership.

iv. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs.

The Director of Community and Economic Development may require additional information, including but not limited to, an assessment of wetland functional characteristics, including a discussion of the methodology used; documentation of the ecological, aesthetic, economic, or other values of the wetland; a study of flood, erosion, or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this chapter or to evaluate the proposed use in terms of the purposes of this chapter. The Director of Community and Economic Development shall maintain and make available to the public, all information applicable to any wetland and its buffer.

4. **Filing fees:** At the time of an application or request for delineation, the applicant shall pay a filing fee as determined by the Director of Community and Economic Development. Sufficient fees shall be charged to the applicant to cover the costs of evaluation of the application or request for delineation. These fees may be used by the Director of Community and Economic Development to retain expert consultants to provide services pertaining to wetland boundary determinations, functional assessments, and evaluation of mitigation measures. As deemed necessary by the Director of Community and Economic Development, the Director of Community and Economic Development may assess additional reasonable fees as needed to monitor and evaluate permit compliance and mitigation measures.

5. **Notification:** Upon receipt of the completed permit application, the Planning Director shall notify the individuals and agencies, including Federal and State agencies, having jurisdiction over or an interest in the matter, to provide such individuals and agencies an opportunity to comment. The Director of Community and Economic Development shall establish a mailing list of all interested persons and agencies who wish to be notified of such application.

6. **Notice on title:**
   a. The owner of any property with field verified presence of wetland or wetland buffer pursuant to subsection 15.24.040.C., on which a development proposal is submitted shall file for record with the Clallam County Auditor a notice approved by the Director of Community and Economic Development in a form substantially as set forth in subsection b.
below. Such notice shall provide notice in the public record of the presence of a wetland or wetland buffer, the application of this chapter to the property, and that limitations on actions in or affecting such wetlands and their buffers may exist.

The applicant shall submit proof that the notice has been filed for record before the City of Port Angeles shall approve any development proposal for such site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter.

b. Form of Notice:

WETLAND AND/OR WETLAND BUFFER NOTICE

<table>
<thead>
<tr>
<th>Legal Description:</th>
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<tbody>
<tr>
<td>Present Owner:</td>
<td>_____</td>
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</table>

NOTICE: This property contains wetlands or their buffers as defined by City of Port Angeles Ordinance. The property was the subject of a development proposal for (type of permit) application # _______ filed on (date). Restrictions on use or alteration of the wetlands or their buffers may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of wetlands or wetland buffers and restrictions on their use through setback areas. A copy of the plan showing such setback areas is attached hereto.

__________________________________________
(Signature of owner)

STATE OF WASHINGTON

) )

) SS:

COUNTY OF CLALLAM

) )

On this day personally appeared before me to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein stated.

Given under my hand and official seal this ________ day of ________, 20__.

__________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at ________
D. Permit processing.

1. Consolidation: The Director of Community and Economic Development shall, to the extent practicable and feasible, consolidate the processing of wetlands-related aspects of other City of Port Angeles regulatory programs which affect activities in wetlands, such as subdivision, clearing and grading, floodplain, and environmentally sensitive areas, with the wetland permit process established herein so as to provide a timely and coordinated permit process.

2. Completeness of application: No later than 28 working days after receipt of the permit application, the Director of Community and Economic Development shall notify the applicant as to the completeness of the application. An application shall not be deemed complete until and unless all information necessary to evaluate the proposed activity, its impacts, and its compliance with the provisions of this chapter have been provided to the satisfaction of the Director of Community and Economic Development. Such determination of completeness shall not be construed as an approval or denial of the permit application.

3. Permit action:
   a. Upon receipt of a complete application for a permit authorizing activities on a Category I wetland or its buffer, the City of Port Angeles shall submit the application to the Washington State Department of Ecology for its review and comment. When such permit applications are submitted, the Washington State Department of Ecology should submit its comments or should request an extension of the review period within 30 days. Extensions may be up to 30 days in length. When submitted, no permit shall be issued under this subsection prior to receipt of such comments or the expiration of the time period or any extension.
   b. The Director of Community and Economic Development shall approve, approve with conditions, or deny a permit application based on compliance with the standards and requirements of this chapter. The Director of Community and Economic Development's decision shall include written findings.


15.24.070 - Standards for permit decisions.

A. A permit shall only be granted if the permit, as conditioned, is consistent with the provisions of this chapter. Additionally, permits shall only be granted if:
   1. A proposed action avoids adverse impacts to regulated wetlands, its functions, or their buffers or takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts;
   2. The proposed activity results in no net loss of wetland area and function; or
   3. Denial of a permit would cause an extraordinary hardship on the applicant.

B. Wetlands permits shall not be effective and no activity thereunder shall be allowed during the time provided to file a permit appeal.

C. Wetland buffers:
   1. Standard buffer zone widths: Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field, pursuant to the applicable definitions in 15.24.020. The width
of the wetland buffer zone shall be determined according to wetland category and the intensity of the proposed land use, as follows:

a. **Category I:**
   - High intensity 300 feet
   - Low intensity 200 feet

b. **Category II:**
   - High intensity 200 feet
   - Low intensity 100 feet

c. **Category III:**
   - High intensity 100 feet
   - Low intensity 50 feet

d. **Category IV:**
   - High intensity 50 feet
   - Low intensity 25 feet

2. **Increased wetland buffer zone width:** The Director of Community and Economic Development shall require increased standard buffer zone widths on a case-by-case basis when a larger buffer is necessary to protect wetlands functions and values, based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a permit condition and shall demonstrate that:
   
a. A larger buffer is necessary to maintain viable populations of existing species; or

b. The wetland is used by species proposed or listed by the Federal Government or the State as endangered, threatened, rare, monitor, or sensitive, critical or outstanding potential habitat for those species, or has unusual nesting or resting sites, such as heron rookeries or raptor nesting trees; or

c. The adjacent land is susceptible to severe erosion, and erosion control measures will not effectively prevent adverse wetland impacts; or

d. The adjacent land has minimal vegetative cover or slopes greater than 15 percent.

3. **Reduction of standard wetland buffer zone width:** The Director of Community and Economic Development may reduce the standard wetland buffer zone widths on a case-by-case basis where it can be demonstrated that:
   
a. The adjacent land is extensively vegetated and has less than 15 percent slopes and that no direct or indirect, short-term or long-term, adverse impacts to regulated wetlands, as determined by the Director of Community and Economic Development, will result from a regulated activity. The Director of Community and Economic Development may require long-term monitoring of the project and subsequent corrective actions if adverse impacts to regulated wetlands are discovered; or

b. The project includes a buffer enhancement plan using native vegetation which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetlands functions and values. An enhanced buffer shall not result in greater than a 25 percent reduction in the buffer width, and the reduced buffer shall not be less than 25 feet.
4. **Standard wetland buffer width averaging:** Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

a. That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

b. That the wetland contains variations in sensitivity due to existing physical characteristics;

c. That low intensity land uses would be located adjacent to areas where buffer width is reduced, and that such low intensity land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

d. That width averaging will not adversely impact the wetland functional values; and

e. That the total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than 50 percent of the standard buffer or be less than 25 feet.

5. When applicable the order of sequence for buffer reductions shall be as follows:

a. Use of buffer averaging maintaining 100 percent of the buffer area under the standard buffer requirement:

b. Reduction of the overall buffer area by no more than 25 percent of the area required under the standard buffer requirement;

c. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;

d. Use of LID BMPs and/or infiltration of stormwater where soils permit where feasible;

e. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.

6. Except as otherwise specified, wetland buffer zones shall be retained in their undisturbed natural condition except where the buffer can be enhanced to improve its functional attributes. Buffers that are in their natural condition should not be altered and should remain in their natural condition and be enhanced whenever possible. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the department. No refuse shall be placed in the buffer. Where buffers have been altered or disturbance has occurred during construction and ecological functions and values have been lost, restoration is required to replace lost functions and values.

7. **Permitted uses in a wetland buffer zone:** In addition to those activities allowed in regulated wetlands in this section, the following activities are allowed in wetland buffers without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in this section, provided that impacts to buffers are minimized and that disturbed areas are immediately restored.

a. In association with a single-family residence only, the establishment and expansion of lawns, landscaping, orchards, gardens, and fences, provided that:

i. Lawns, landscaping, orchards, and gardens are only allowed within the outer 25 percent of the buffer width where no other area within a property is available to accommodate these land uses. Native vegetation shall be protected within wetland buffers to the maximum extent practicable. No structure other than fences nor any impervious surface shall be included in the above. No pesticides, herbicides or fertilizers may be used in wetland buffers; and

ii. Fences shall be designed to allow the unimpeded passage of surface water beneath them.
b. Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands may be allowed. These include low intensity, passive recreational activities such as wildlife viewing and hiking.

c. Within the buffers of Category III and IV wetlands only, vegetation-lined swales and LID BMPs designed for stormwater management or conveyance when topographic restraints determine there are no other upland alternative locations. Swales, LID BMPs, and any stormwater discharges from the swales/BMPs must also protect wetland functions in accordance with Appendix I-D of the Department of Ecology's SWMMWW (2014).

8. Building and impervious surface setback lines: A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural intrusions into the area of the building setback may be allowed if the Director of Community and Economic Development determines that such intrusions will not negatively impact the wetland. The setback shall be identified on a site plan which is filed as an attachment to the notice on title required by subsection 15.24.060.C.6.

D. Avoiding wetland impacts:

1. Regulated activities shall not be authorized in a regulated wetland except where it can be demonstrated that the impact is both unavoidable and necessary or that all reasonable economic uses are denied.

2. With respect to Category I wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.

3. With respect to Category II and III wetlands, the following provisions shall apply:
   a. For water-dependent activities, unavoidable and necessary impacts can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.
   b. Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:
      i. The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on a regulated wetland; and
      ii. A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a regulated wetland or its buffer will not accomplish the basic purpose of the project; and
      iii. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints.

4. With respect to Category IV wetlands, unavoidable and necessary impacts can be demonstrated where the proposed activity is the only reasonable alternative which will accomplish the applicant's objectives.

E. Reasonable use exception:

1. If an applicant for a development proposal demonstrates to the satisfaction of the Director of Community and Economic Development that application of these standards would deny all reasonable economic use of the property, development as conditioned may be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director of Community and Economic Development:
a. That the proposed project is water-dependent or requires access to the wetland as a central element of its basic function, or is not water-dependent but has no practicable alternative, pursuant to subsection 15.24.070.D.;

b. That no reasonable use with less impact on the wetland and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);

c. That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers;

d. That the proposed activities will result in minimum feasible alteration or impairment to the wetland's functional characteristics and its existing contours, vegetation, fish and wildlife resources, and hydrological conditions;

e. That disturbance of wetlands has been minimized by locating any necessary alteration in wetland buffers to the extent possible;

f. That the proposed activities will not jeopardize the continued existence of endangered, threatened, rare, sensitive, or monitor species as listed by the Federal Government or the State of Washington;

g. That the proposed activities will not cause significant degradation of groundwater or surface water quality;

h. That the proposed activities comply with all State, local, and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;

i. That any and all alterations to wetlands and wetland buffers will be mitigated as provided in subsection 15.24.070.H.7.;

j. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

k. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the original effective date of this chapter.

2. If the Director of Community and Economic Development determines that alteration of a wetland and/or wetland buffer is necessary and unavoidable, the Director of Community and Economic Development shall set forth in writing in the file he maintains regarding a permit application his findings with respect to each of the items listed in this subsection.

3. Alternatively, if the Director of Community and Economic Development determines that application of these standards would deny all reasonable economic use of the property, the City may take the property for public use with just compensation being made.

F. Minimizing wetlands impacts:

1. After it has been determined by the Director of Community and Economic Development pursuant to subsection 15.24.070.D. that losses of wetland are necessary and unavoidable or that all reasonable economic use has been denied, the applicant shall take deliberate measures to minimize wetland impacts.

2. Minimizing impacts to wetlands shall include but is not limited to:

   a. Limiting the degree or magnitude of the regulated activity;

   b. Limiting the implementation of the regulated activity;

   c. Using appropriate and best available technology;
d. Taking affirmative steps to avoid or reduce impacts;

e. Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers;

f. Involving resource agencies early in site planning; and

g. Providing protective measures and best management practices, such as siltation curtains, hay bales, and other siltation prevention measures; scheduling the regulated activity to avoid interference with wildlife and fisheries rearing, resting, nesting, or spawning activities.

G. **Limited density transfer:** For development proposals on lands containing wetland buffers, the Director of Community and Economic Development shall determine allowable dwelling units for residential development proposals based on the formulas below.

The following formula for density calculations is designed to provide incentives for the preservation of wetlands and wetland buffers, flexibility in design, and consistent treatment of different types of development proposals. The formula shall apply to all properties within existing residential zones on which wetlands and wetland buffers are located.

The maximum number of dwelling units (DU) for a lot or parcel which contains wetlands and wetland buffers shall be equal to: 

\[
\text{DU} = (\text{Acres in Wetland Buffer}) \times (\text{DU/Acre}) \times (\text{Density Credit})
\]

The density credit figure is derived from the following table:

<table>
<thead>
<tr>
<th>Percentage of site in buffers</th>
<th>Density Credit</th>
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<tbody>
<tr>
<td>1—10%</td>
<td>100%</td>
</tr>
<tr>
<td>11—20%</td>
<td>90%</td>
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<tr>
<td>21—30%</td>
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<tr>
<td>81—90%</td>
<td>20%</td>
</tr>
<tr>
<td>91—99%</td>
<td>10%</td>
</tr>
</tbody>
</table>
The density credit can only be transferred within the development proposal site. To the extent that application of the formula may result in lot sizes less than the minimum allowed by the underlying district, they are hereby authorized, provided that the resultant lot is of sufficient size for an on-site waste disposal system if no sanitary sewer system exists. Should the density credit allow average lot size to fall below the minimum standard allowed by underlying zoning, the applicant shall use planned residential development procedures for project review.

The Director of Community and Economic Development shall not allow credit for density for the portions of the site occupied by wetlands.

H. Acting on the application:

   1. Special use permit conditions:

      a. Sensitive area tracts: As a condition of any permit issued pursuant to this chapter, the permit holder may be required to create a separate sensitive area tract or tracts containing the areas determined to be wetland and/or wetland buffer in field investigations performed pursuant to subsection 15.24.040.C. Sensitive area tracts are legally created tracts containing wetlands and their buffers that shall remain undeveloped in perpetuity. Sensitive area tracts are an integral part of the lot in which they are created; are not intended for sale, lease or transfer; and shall be included in the area of the parent lot for purposes of subdivision method and minimum lot size.

      b. Protection of sensitive area tracts: The Director of Community and Economic Development shall require, as a condition of any permit issued pursuant to this chapter, that the sensitive area tract or tracts created pursuant to subsection 15.24.070.H.1. be protected by one of the following methods:

         i. The permit holder shall convey an irrevocable offer to dedicate to the City of Port Angeles or other public or non-profit entity specified by the Director of Community and Economic Development, an easement for the protection of native vegetation within a wetland and/or its buffer; or

         ii. The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of all lots containing a sensitive area tract or tracts created as a condition of this permit. Such deed restriction(s) shall prohibit in perpetuity the development, alteration, or disturbance of vegetation within the sensitive area tract except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the City of Port Angeles, and any other agency with jurisdiction over such activity.

      c. The deed restriction shall also contain the following language:

         "Before beginning and during the course of any grading, building construction, or other development activity on a lot or development site subject to this deed restriction, the common boundary between the area subject to the deed restriction and the area of development activity must be fenced or otherwise marked to the satisfaction of the City of Port Angeles."

      d. Regardless of the legal method of protection chosen by the Director of Community and Economic Development, responsibility for maintaining sensitive area tracts shall be held by a homeowners association, adjacent lot owners, the permit applicant or designee, or other appropriate entity as approved by the Director of Community and Economic Development.

      e. The following note shall appear on the face of all plats, short plats, PRDs, or other approved site plans containing separate sensitive area tracts, and shall be recorded on the title of record for all affected lots:

         "NOTE: All lots adjoining separate sensitive area tracts identified as Native Vegetation Protection Easements or protected by deed restriction, are responsible for maintenance and protection of the tracts. Maintenance includes ensuring that no alterations occur within
the separate tract and that all vegetation remains undisturbed for other than natural reasons, unless the express written authorization of the City of Port Angeles has been received."

f. The common boundary between a separate sensitive area tract and the adjacent land must be permanently identified. This identification shall include permanent wooden fence and/or metal signs on treated wood or metal posts. Signs shall be worded as follows:

"Protection of this natural area is in your care. Alteration or disturbance is prohibited by law. Please call the Port Angeles Planning Department for more information."

g. Sign locations and size specifications shall be approved by the Director of Community and Economic Development. The Director of Community and Economic Development shall require permanent fencing of the sensitive area tract or tracts. In lieu of fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland buffer.

h. Additional conditions:

i. The location of the outer extent of the wetland buffer and the areas to be disturbed pursuant to an approved permit shall be marked in the field, and such field marking shall be approved by the Director of Community and Economic Development prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

ii. The Director of Community and Economic Development may attach such additional conditions to the granting of a special use permit as deemed necessary to assure the preservation and protection of affected wetlands and to assure compliance with the purposes and requirements of this chapter.

2. Bonding:

a. Performance bonds: The Director of Community and Economic Development may require the applicant of a development proposal to post a cash performance bond or other security acceptable to the Director of Community and Economic Development in an amount and with surety and conditions sufficient to fulfill the requirements of subsection 15.24.070.H.6. and, in addition, to secure compliance with other conditions and limitations set forth in the permit. The amount and the conditions of the bond shall be consistent with the purposes of this chapter. In the event of a breach of any condition of any such bond, the City of Port Angeles may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution. The Director of Community and Economic Development shall release the bond upon determining the following, provided that prior to such written release of the bond, the principal or surety cannot be terminated or canceled;

i. All activities, including any required compensatory mitigation, have been completed in compliance with the terms and conditions of the permit and the requirements of this chapter;

ii. The posting by the applicant of a maintenance bond has occurred.

b. Maintenance bonds: The Director of Community and Economic Development shall require the holder of a development permit issued pursuant to this chapter to post a cash performance bond or other security acceptable to the Director of Community and Economic Development in an amount and with surety and conditions sufficient to guarantee that structures, improvements, and mitigation required by the permit or by this chapter perform satisfactorily for a minimum of two years after they have been completed. The Director of Community and Economic Development shall release the maintenance bond upon determining that performance standards established for evaluating the effectiveness and success of the structures, improvements, and/or compensatory mitigation have been satisfactorily met for the required period. For compensation projects, the performance
standards shall be those contained in the mitigation plan developed and approved during the permit review process, pursuant to subsection 15.24.070.H.7. The maintenance bond applicable to a compensation project shall not be released until the Director of Community and Economic Development determines that performance standards established for evaluating the effect and success of the project have been met.

3. Other laws and regulations: No permit granted pursuant to this chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state, or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

4. Suspension or revocation: In addition to other penalties provided for elsewhere, the Director of Community and Economic Development may suspend or revoke a permit if he/she finds that the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the permit; has exceeded the scope of work set forth in the permit; or has failed to undertake the project in the manner set forth in the approved application.

5. Publication of notice: The Director of Community and Economic Development shall cause notice of his/her denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in a daily newspaper having a broad circulation in the area wherein the wetland lies. Such notice shall be published within five working days of the decision or order and shall include at least the following:
   a. A brief description of the project, including location;
   b. The decision or order of the City with respect to the project;
   c. Notification that the permit file is open for public inspection during regular business hours, and the address where such file may be inspected; and
   d. A statement of the procedures regarding appeal or judicial review of the decision, if applicable.

6. Compensating for wetlands impacts: As a condition of any permit allowing alteration of wetlands and/or wetland buffers, or as an enforcement action pursuant to subsection 15.24.080.C., the Director of Community and Economic Development shall require that the applicant engage in the restoration, creation, or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's or violator's actions. The applicant shall develop a plan which provides for land acquisition, construction, maintenance, and monitoring of replacement wetlands that recreate as nearly as possible the original wetlands in terms of acreage, function, geographic location and setting, and that are larger than the original wetlands. The overall goal of any compensatory project shall be no net loss of wetlands function and acreage and to strive for a new resource gain in wetlands over present conditions. Compensation shall be completed prior to wetland destruction, where possible.

Compensatory mitigation shall follow an approved mitigation plan pursuant to subsection 15.24.070.H.7. and shall meet the following minimum performance standards:

a. Given the uncertainties in scientific knowledge and the need for expertise and monitoring, wetland compensatory projects may be permitted only when the Director of Community and Economic Development finds that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces. Additionally, applicants shall:
   i. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;
   ii. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals; and
iii. Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation and to provide for long-term persistence of the compensation area.

b. *Wetlands restoration and creation:*

i. Any person who alters regulated wetlands shall restore or create equivalent areas or greater areas of wetlands than those altered in order to compensate for wetland losses.

ii. Where feasible, restored or created wetlands shall be a higher category than the altered wetland.

iii. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining, and projected success. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available techniques. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.

iv. Acreage replacement ratio. The following ratios apply to creation or restoration which is in-kind, on-site, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from illegal alterations. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

<table>
<thead>
<tr>
<th>Category</th>
<th>Ratio</th>
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<tbody>
<tr>
<td>Category I</td>
<td>6:1</td>
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<tr>
<td>Category II or III</td>
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</tr>
<tr>
<td>Forested</td>
<td>3:1</td>
</tr>
<tr>
<td>Scrub-shrub</td>
<td>2:1</td>
</tr>
<tr>
<td>Emergent</td>
<td>1.5:1</td>
</tr>
<tr>
<td>Category IV</td>
<td>1.25:1</td>
</tr>
</tbody>
</table>

(A) *Increased replacement ratio:* The Director of Community and Economic Development may increase the ratios under the following circumstances:

(1) Uncertainty as to the probable success of the proposed restoration or creation;

(2) Significant period of time between destruction and replication of wetland functions;

(3) Projected losses in functional value; or

(4) Off-site compensation.

(B) *Decreased replacement ratio:* The Director of Community and Economic Development may decrease these ratios based on findings of special studies.
coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.

(C) In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

c. **Wetlands enhancement:**

i. Any applicant proposing to alter wetlands may propose to enhance existing significantly degraded wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands shall identify how enhancement conforms to the overall goals and requirements of the local wetlands protection program and established regional goals.

ii. A wetlands enhancement compensation project shall be determined pursuant to subsection 15.24.070.H.6., provided that enhancement for one function and value will not degrade another function or value and that acreage replacement ratios shall be doubled to recognize existing functional values and, provided further, that Category I wetlands shall not be enhanced.

d. **Wetland type:**

i. In-kind compensation shall be provided except where the applicant can demonstrate that:

   (A) The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functional value;
   
   (B) Scientific problems, such as exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible; or
   
   (C) Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).
   
   (D) Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

ii. **Location:**

   i. On-site compensation shall be provided except where the applicant can demonstrate that:

   (A) The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the on-site loss; and
   
   (B) On-site compensation is not scientifically feasible due to problems with hydrology, soils, waves, or other factors; or
   
   (C) Compensation is not practical due to potentially adverse impact from surrounding land uses; or
   
   (D) Existing functional values at the site of the proposed restoration are significantly greater than lost wetland functional values; or
   
   (E) That established regional goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of compensatory measures at another site.

   ii. Off-site compensation shall occur within the same watershed as the wetland loss occurred; provided that Category IV wetlands may be replaced outside of the watershed when there is no reasonable alternative.

   iii. In selecting compensation sites, applicants shall pursue siting in the following order of preference:
(A) Upland sites which were formerly wetlands;
(B) Idled upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds, or emergent vegetation;
(C) Other disturbed upland.

f. **Timing:**
   i. Where feasible, compensation projects shall be completed prior to activities that will disturb wetlands, and immediately after activities that will temporarily disturb wetlands. In all other cases, except for Category I wetlands, compensatory projects should be completed prior to use or occupancy of the activity or development which was conditioned upon such compensation. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and flora.

g. **Cooperative restoration, creation, or enhancement projects:**
   i. The Director of Community and Economic Development may encourage, facilitate, and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project with funding from other applicants under the following circumstances:
      (A) Restoration, creation, or enhancement at a particular site may be scientifically difficult or impossible; or
      (B) Creation of one or several larger wetlands may be preferable to many small wetlands.
   ii. Persons proposing cooperative compensation projects shall:
      (A) Submit a joint permit application;
      (B) Demonstrate compliance with all standards;
      (C) Demonstrate the organizational and fiscal capability to act cooperatively; and
      (D) Demonstrate that long-term management can and will be provided.

7. **Non-compensatory enhancement:** Non-compensatory enhancements are those wetland enhancement projects which are conducted solely to increase the functions and values of an existing wetland and which are not required to be conducted pursuant to the requirements of section 15.24.070(H)(6). There are two types of non-compensatory enhancement:
   a. **Type 1 non-compensatory enhancement.** Type 1 non-compensatory enhancement projects involve the filling, draining, or excavating of a regulated wetland. All applications for Type 1 non-compensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (i)(a) - (b), below, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
      i. The enhancement plan must be submitted for review and approval by the Director of Community and Economic Development:
      ii. The enhancement plan must either be prepared by a qualified wetlands consultant or accepted in writing by the U.S. Fish and Wildlife Service, and the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.
   b. **Type 2 non-compensatory enhancement.** Type 2 non-compensatory enhancement projects involve wetland alterations that do not include the filling, draining, or excavation of a regulated wetland. Such projects might involve the removal of non-native plant species. All application for Type 2 non-compensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (ii)(a) - (b), below, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
i. The enhancement plan shall be submitted for review and approval by the Director of Community and Economic Development;

ii. The enhancement plan must include a detailed description of the activity including the following information:
   (A) The goal of the enhancement project;
   (B) What plants, if any, will be removed or planted;
   (C) How the activity will be conducted, including the type(s) of tools or machinery to be used; and
   (D) The qualifications of the individual who will be conducting the enhancement activity.

iii. The enhancement plan must either be prepared by a qualified wetlands consultant or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington department of Ecology.

8. **Mitigation plans:** All wetland restoration, creation, and/or enhancement projects required pursuant to this chapter, either as a permit condition or as the result of an enforcement action, shall follow a mitigation plan prepared by qualified wetland professionals approved by the Director of Community and Economic Development. The applicant or violator shall receive written approval of the mitigation plan by the Director of Community and Economic Development prior to commencement of any wetland restoration, creation, or enhancement activity. Unless the Director of Community and Economic Development, in consultation with qualified wetland professionals, determines, based on the size and nature of the development proposal, the nature of the impacted wetland, and the degree of cumulative impacts on the wetland from other development proposals, that the scope and specific requirements of the mitigation plan may be reduced from what is listed below, the mitigation plan shall contain at least the following components:

   a. **Baseline information:** A written assessment and accompanying maps of the:
      
      i. Impacted wetland including, at a minimum, wetland delineation; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; soil and substrate conditions; topographic elevations; and

      ii. Compensation site, if different from the impacted wetland site, including, at a minimum, existing acreage; vegetative, faunal, and hydrologic conditions; relationship within watershed and to existing waterbodies; soil and substrate conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

   b. **Environmental goals and objectives:** A written report shall be provided identifying goals and objectives and describing:
      
      i. The purposes of the compensation measures, including a description of site selection criteria; identification of compensation goals; identification of target evaluation species and resource functions; dates for beginning and completion; and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland, or if out-of-kind, the type of wetland to be emulated.

      ii. A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and ground water supply and flow patterns; dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and
c. **Performance standards:** Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

d. **Detailed construction plans:** Written specifications and descriptions of compensation techniques shall be provided, including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for wetland construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

e. **Monitoring program:** A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

   i. Establishing vegetation plots to track changes in plant species composition and density over time;
   
   ii. Using photo stations to evaluate vegetation community response;
   
   iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);
   
   iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;
   
   v. Measuring sedimentation rates, if applicable; and
   
   vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

f. **Contingency plan:** Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. **Permit conditions:** Any compensation project prepared pursuant to this section and approved by the Director of Community and Economic Development shall become part of the application for the permit.

h. **Performance bonds and demonstration of competence:** A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standard to successfully execute the compensation project shall be provided. A
compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted pursuant to subsection 15.24.070.H. in the amount of 120 percent of the expected cost of compensation.

i. Regulatory authorities are encouraged to consult with and solicit comments of any Federal, State, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes wetlands compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

j. Compensatory mitigation is not required for regulated activities:
   i. For which a permit has been obtained that occur only in the buffer or expanded buffer and which have no adverse impacts to regulated wetlands; or
   ii. Which are allowed pursuant to subsection 15.24.050.B., provided such activities utilize best management practices to protect the functions and values of regulated wetlands.

I. Appeals: Any decision of the Director of Community and Economic Development in the administration of this chapter may be appealed in writing to the City Council within 14 days of the issuance of notice of the decision. The time period for considering the appeal shall not exceed 90 days.

J. Modification of wetland permits: A wetland permit holder may request and the Director of Community and Economic Development may approve modification of a previously issued wetland permit.

K. Resubmittal of denied permit applications: A wetland permit application which has been denied may be modified and resubmitted no earlier than 180 days following action on the original application. A permit application shall be considered a resubmittal if the site proposed for development was the subject of a wetland permit application within the previous 180 days. A new fee will be required for such resubmittal.


15.24.080 - Temporary emergency permit—Enforcement.

A. Temporary emergency permit: Notwithstanding the provisions of this chapter or any other laws to the contrary, the Director of Community and Economic Development may issue a temporary emergency wetlands permit if:
   1. The Director of Community and Economic Development determines that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted; and
   2. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this chapter and other applicable laws.

B. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for non-emergency activities under this act and shall:
   1. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed 90 days; and
   2. Require, within this 90-day period, the restoration of any wetland altered as a result of the emergency activity; except that if more than the 90 days from the issuance of the emergency
permit is required to complete restoration, the emergency permit may be extended to complete this restoration.

Issuance of an emergency permit by the Director of Community and Economic Development does not preclude the necessity to obtain necessary approvals from appropriate Federal and State authorities.

Notice of the issuance of the emergency permit and request for public comments shall be published at least once a week on the same day of the week for two consecutive weeks in a newspaper having a general circulation in the City of Port Angeles, the City publication to be no later than ten days after issuance of the emergency permit.

The emergency permit may be terminated at any time without process upon a determination by the Director of Community and Economic Development that the action was not or is no longer necessary to protect human health or the environment.

C. Enforcement:

1. General enforcement: The City of Port Angeles shall have authority to enforce this chapter, any rule or regulation adopted, and any permit or order issued, pursuant to this chapter, against any violation or threatened violation thereof. The City of Port Angeles is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this chapter, or any rule or regulation adopted, or any permit, permit condition, or order issued pursuant to this chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator. Enforcement actions shall include civil penalties, administrative orders and actions for damages and restoration.

2. Injunctive relief: The City of Port Angeles may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of a regulated wetland or their buffers which are inconsistent with this chapter or an applicable wetlands protection program.

3. Cease and desist order: The City of Port Angeles may serve upon a person a cease and desist order if an activity being undertaken on regulated wetlands or its buffer is in violation of this chapter or any permit issued to implement this chapter. Whenever any person violates this chapter or any permit issued to implement this chapter, the City of Port Angeles may issue an order reasonably appropriate to cease such violation and to mitigate any environmental damage resulting therefrom.

   Content of order: The order shall set forth and contain:

   a. A description of the specific nature, extent, and time of violation and the damage or potential damages.

   b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific correction action to be taken within a given time. A civil penalty may be issued with the order.

   c. Effective date: The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

   d. Compliance: Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

4. Penalties: Any person who undertakes any activity within a regulated wetland or its buffer without first obtaining a permit required by this chapter, except as allowed in subsection 15.24.050.B., or any person who violates one or more conditions of any permit required by this chapter or of any order issued pursuant to this section, shall incur a penalty allowed per
violation. In the case of a continuing violation, each permit violation and each day of activity without a required permit shall be a separate and distinct violation. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the environmental impact of the violation. The penalty provided in this subsection shall be appealable to the Superior Court of Clallam County.

5. **Aiding or abetting:** Any person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the penalty.

6. **Notice of penalty:** Civil penalties imposed under this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department and/or the City of Port Angeles, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary correction action within a specific time.

7. **Application for remission or mitigation:** Any person incurring a penalty may apply in writing within 30 days of receipt of the penalty to the Director of Community and Economic Development for remission or mitigation of such penalty. Upon receipt of the application, the City of Port Angeles may remit or mitigate the penalty upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

8. **Appeals:** Orders and penalties issued pursuant to this subsection may be appealed as provided for in subsection 15.24.070.1.

9. Criminal penalties shall be imposed on any person who wilfully or negligently violates this chapter or who knowingly makes a false statement, representation, or certification in any application, record or other document filed or required to be maintained under this chapter; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, record or methodology required to be maintained pursuant to this chapter or pursuant to a wetland permit.

(Ord. 2655 § 1 (part), 11/29/1991)

15.24.090 - Non-conforming activities.

A regulated activity which was approved prior to the passage of this chapter and to which significant economic resources have been committed pursuant to such approval, but which is not in conformity with the provisions of this chapter, may be continued subject to the following:

A. No such activity shall be expanded, changed, enlarged, or altered in any way that increases the extent of its non-conformity without a permit issued pursuant to the provisions of this chapter;

B. Except for cases of discontinuance as part of normal agricultural practices, if a non-conforming activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter;

C. If a non-conforming use or activity is destroyed by human activities or an act of God, it shall not be resumed except in conformity with the provisions of this chapter;

D. Activities or adjuncts thereof which are or become public nuisances shall not be entitled to continue as non-conforming activities.

(Ord. 2655 § 1 (part), 11/29/1991)

15.24.100 - Judicial review.
Any decision or order issued by the City of Port Angeles pursuant to this chapter, including decisions concerning denial, approval, or conditional approval of a wetland permit, may be judicially reviewed in the Clallam County Superior Court, provided that:

A. Available administrative remedies, including appeals available pursuant to subsection 15.24.070(1), have been exhausted; and

B. Such litigation is commenced within 21 days after service of such order or issuance of notice of such decision, as the case may be.

Based on these proceedings and consistent with any decision of the court that is adverse to the City of Port Angeles, the City may elect to:

1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions; or
3. Other appropriate actions ordered by the court that fall within the jurisdiction of the City of Port Angeles.


15.24.110 - Amendments.

These regulations and the maps used to identify wetland critical areas may from time to time be amended in accordance with the procedures and requirements in the general statutes and as new information concerning wetland location, soils, hydrology, flooding, or wetland plants and wildlife become available.

(Ord. 2655 § 1 (part), 11/29/1991)

15.24.120 - Assessment relief.

The Assessor of Clallam County shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a perpetual conservation restriction with the City of Port Angeles or a non-profit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessments on the controlled wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains.

(Ord. 2655 § 1 (part), 11/29/1991)