Chapter 1
Introduction

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1.1 Requirements of the Shoreline Management Act

In November 1972, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58). The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. The law provides a two-tier planning and regulatory program by the state and local government. By law, the City is responsible for the following:

A. Preparation of a "Master Program" in accordance with the policies and requirements of the Act and the State Shoreline Guidelines (WAC 173-26).

B. Development of a permit system in accordance with the requirements of the Act.

1.2 The City of Port Townsend's Role in Implementing the Shoreline Management Act

In order to protect the public interest in the preservation and reasonable use of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

A. Development of an inventory of the natural characteristics and land use patterns along "shorelines of the state" within the City's territorial limits. This inventory provides the foundation for development of a system that classifies the shoreline into distinct "environments". These environments provide the framework for implementing shoreline policies and regulatory measures.

B. Preparation of a "Shoreline Master Program" to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use activity regulations developed to address different types of development along the shoreline. Master Program regulations are developed and adopted, as appropriate, for various types

of shoreline development, including the following: agriculture, aquaculture, forest management, commercial development, marinas, mining, outdoor advertising and signs, residential development, utilities, ports and water related industries, bulkheads, breakwaters, jetties and groins, landfills, solid waste disposal, dredging, shoreline protection, road and railroad design, piers, and recreation.

C. Development of a permit system to further the goals and policies of both the Act and the local Master Program.

Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Port Townsend Shoreline Master Program must be consistent with the policies and requirements of the Shoreline Management Act and the State Shoreline Guidelines. The role of the Department of Ecology is to provide support and review of the Shoreline Master Program and subsequent shoreline development permits and approvals.

1.3 Purposes of the Shoreline Master Program

The Shoreline Management Act defines a Master Program as a "comprehensive use plan for a described area." The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses.

The purposes of this Master Program are:

A. To carry out the responsibilities imposed on the City of Port Townsend by the Washington State Shoreline Management Act (RCW 90.58).

B. To promote uses and development of the Port Townsend shoreline consistent with the Port Townsend Comprehensive Plan while protecting and restoring environmental resources.

C. To promote the public health, safety, and general welfare by providing a guide and regulation for the future development of the shoreline resources of the City of Port Townsend.

1.4 Legislative Findings

The legislative findings and policies of the Act, as set forth in RCW 90.58.020, are as follows: the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.

The legislature further finds that much of the shoreline of the state and adjacent uplands are in private ownership and that unrestricted construction on the privately owned and publicly owned shorelines of the state is not in the best public interest. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline of the state. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

There are three basic policy areas to the Shoreline Management Act (SMA): shoreline use, environmental protection and public access. The SMA emphasizes accommodation of reasonable

and appropriate uses, protection of shoreline environmental resources and protection of the public's right to access and use the shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

In accordance with the Act, Master Programs must provide for public access to publicly owned areas, and a recreational element for the preservation and enlargement of recreational opportunities. "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" (i.e., One must look at the overall "best interest" of the state and the people when considering public access opportunities. In some cases, public access goals may be superseded by the goals of environmental protection or promotion of appropriate uses).

The Act is intended to protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the waters of the state and their aquatic life..." against adverse effects. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, and to industrial and commercial developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

1.5 The Port Townsend Shoreline Master Program

The following section summarizes the building blocks for this Shoreline Master Program.

A. 1974 Shoreline Master Program (SMP)

The City of Port Townsend adopted its first SMP in 1974. The Plan combined both the City's shorelines and those of Jefferson County into a single document. Although the SMPs were adopted separately by the State of Washington, the programs were administered jointly over the next twenty years. It became apparent over the years, however, that the Jefferson-Port Townsend SMP was ill-fitted to the more urban development pressures facing Port Townsend. In short, the Jefferson-Port Townsend SMP, which was essentially written for rural Jefferson County, no longer could provide the level of protection to Port Townsend's shorelines that its residents demanded.

In 1993, upon the recommendation of the Jefferson-Port Townsend Shoreline Management Advisory Commission, the City Council and the Board of County Commissioners, the SMPs were separated.

During the late 1980s and early 1990s amendments to the SMP were essentially project-specific amendments intended to prohibit certain development proposals. The result was a SMP that

became disjointed in its approach to shoreline management issues and relied on an outside document, the Urban Waterfront Plan, as its primary source of policies and regulations. What was needed was a comprehensive revision to the SMP in its entirety.

Port Townsend Urban Waterfront Plan

The Port Townsend Urban Waterfront Plan was adopted in December of 1990 amidst a backdrop of controversy and the polarization of community interest groups. The scope of the Urban Waterfront Plan (UWP) covered the waterfront from the Port of Port Townsend properties at Point Hudson to the City limits south of the Boat Haven Marina. The planning area was further broken into eight subdistricts based upon the individual character of the district. Each piece of the waterfront planning area contributed to the character of the waterfront as a whole.

The concept of improved public access was identified as a vital part of planning for the shoreline, whereby walking continuously along the waterfront should be made easier, with greater connection between open spaces to provide opportunities for socializing, recreation and enjoyment of the natural environment. Other concepts introduced as a result of the Urban Waterfront Plan included a Special Height Overlay Zoning District, an Overlay Design Review District and new design guidelines for the area in an effort to manage growth and maintain the character of the urban waterfront. Historic preservation and the creation of environmental controls were other important issues that were further supported by the Urban Waterfront Plan, building on the Shoreline Master Program and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Mandatory compliance for the review of all projects within the historic district was another outcome of the plan.

The general design guidelines that were included within the appendices of the Plan have been inserted within the zoning code – Waterfront Design Guidelines Overlay District. The development guidelines from each of the eight sub-districts have also been extracted from the Urban Waterfront Plan (UWP) and added to Title 17 of the zoning code, as well as to the Special Height Overlay District. Policies included in the UWP have been incorporated into this SMP, while projects recommended under the UWP have been incorporated into Appendix G – Public Access Enhancement Projects. The UWP was repealed upon adoption of the 2007 Shoreline Master Program Update.

Five urban design projects that would each play a significant role in achieving the community's vision for its urban waterfront were identified in the Plan. These included: Waterwalk – creation of a continuous and coordinated trail along the waterfront; Jackson Bequest Sculpture – renovation to a sculpture of great community importance and improvements to its surroundings; Town Common – creation of a broad, open public space to connect various elements of community importance; Thomas Oil – acquisition of a key site for the future development of a community facility; and Crossroads Area – development as an important cultural and physical district with minimal public access and design improvements.

As a result of time restraints and the pressure to complete the Plan, there were some additional issues not fully outlined, among which were specific guidelines for public access and development of a plan for Point Hudson.

Comprehensive Public Access Plan

The Comprehensive Public Access Plan was adopted in October of 1992. The Plan was prepared as a tool to further the implementation of projects identified in the Port Townsend Urban Waterfront Plan of 1990. The geographic scope of the Comprehensive Public Access Plan covers the 200-foot wide strip of property along Port Townsend Bay, from the wetlands area located just beyond the southwest border of the Boat Haven along downtown to the northwest border of the Port properties at Point Hudson. The improvements included within the plan work to maintain the modest and informal character of public access along the shoreline. Policies included in the Comprehensive Public Access Plan have been incorporated into this SMP, while projects recommended under the Access Plan have been placed under the purview of the Parks and Recreation Commission. The Comprehensive Public Access Plan was repealed upon adoption of the 2007 Shoreline Master Program Update.

B. 2007 Shoreline Master Program Update

The City of Port Townsend originally initiated the Shoreline Master Program update voluntarily, anticipating three phases spanning from 2001 to 2005. In the midst of Phase II, the state legislature selected Port Townsend as an “early adopter,” that is, to be one of the first jurisdictions to update its Shoreline Master Program under the new legislation adopted in December of 2003. As an early adopter, the City was mandated to complete the update by December 1, 2005.

Phase I began in 2001. The City conducted a detailed analysis of shoreline conditions as the initial information gathering process associated with the preparation of an update to its Shoreline Master Program. The analysis included an extensive literature review of the City’s shorelines and peer review of the draft process. The result was the preparation of science-based recommendations for preserving, protecting, and restoring Port Townsend’s shoreline areas. Chapter 3 summarizes the major findings, conclusions, and observations from the City of Port Townsend Shoreline Master Program Update – Phase I 2002 Shoreline Inventory Summary Report. The entire text of the Inventory Report is on file with the City of Port Townsend Building & Development Services Department.

With the inventory in hand, the City entered Phase II of the process. The City convened a Shoreline Advisory Group (SAG) made up of various stakeholders, including representatives from State Parks, State Ferries, Department of Natural Resources, Department of Fish and Wildlife, the S’Klallam Tribe, the Port of Port Townsend, the Port Townsend City Council and Planning Commission, and residents and business operators. By the end of this phase, the group had set “provisional” shoreline designations and reviewed general goals.

Entering Phase III, the Shorelines Advisory group continued work on the goals and policies of the Master Program. Ad-hoc subcommittees formed to brainstorm on key areas such as Point Hudson, Boat Haven and the Restoration Plan. In all, the Advisory Group met 25 times from May 15, 2003, to July 7, 2005.

On June, 2, 2004 the City held an Open House to seek input from the general public with an emphasis on identifying restoration and public access opportunities.

Acknowledging the special circumstances surrounding Point Hudson marina, the City launched a

focused public participation effort with the goal of providing the Shoreline Advisory Group with specific recommendations for Point Hudson. In February 2004, under a $20,000 CZM grant, the City retained a consultant to work with representatives from the City of Port Townsend and the Port of Port Townsend. The consultant also interviewed a number of key stakeholders, met on April 13, 2004 with a Joint City and Port subcommittee and, on April 14, 2004, conducted a public workshop attended by upwards of 70 individuals. Issues identified, along with options for addressing those issues, were compiled in a final report delivered to the Shoreline Advisory Group.

At a workshop on July 28, 2005, the Shoreline's Advisory Group presented the Draft Shoreline Master Program to the Planning Commission. Advisory Group members reflected positively on the "nuts and bolts process" and the "spirit of compromise" embodied in the draft document.

Review of the draft Master Program continued with a Planning Commission Hearing held over a series of ten meetings. On October 13, 2005, after considering public testimony, deliberating the issues and incorporating necessary revisions, the Planning Commission voted 6-0-2 to recommend approval of the Draft Shoreline Master Program. In their recommendation to Council, the Commission noted:

"Critical to the success of this effort has been the participation of key stakeholders, including those that participated as part of the City's Shoreline Advisory Group (Advisory Group). The Planning Commission wishes to extend its heartfelt thanks to all members of the Shoreline Advisory Group for their significant service to the city and their fellow citizens."

City Council initiated their review of the Draft SMP on October 20, 2005. The public hearing was continued over five additional meeting dates: November 17, November 28, December 5,12th and 19 (see Minutes, attached). The December 19 hearing continued past midnight. In the early morning hours of December 20, 2005, Council moved to approve the Shoreline Master Program and forward the document to the Department of Ecology for review and adoption (Resolution 05- 046).

Public involvement in the update process was continuous and the City engaged in various means to inform the public of the update effort. In addition to written comments, public testimony was welcome at each advisory group meeting, planning commission and council hearing. The City's public outreach program included posting of minutes, drafts, overviews on the City's website, broadcasts on Port Townsend public television, presentations to special interest groups, an article in the City Newsletter and a televised open house/speaker series held at Fort Worden on July 20, 2005.

The City issued a SEPA threshold determination on July 27, 2005 and submitted an analysis of cumulative impacts to the Department of Ecology (DOE) in August 2005. The final Shoreline Master Program was submitted to DOE in March of 2006.

1.6 How the Shoreline Master Program is Used

A. A Planning and Regulatory Document

The Port Townsend Shoreline Management Master Program is a planning document that outlines goals and policies for the use, development, protection and restoration of shorelines of the City. It is also a regulatory ordinance with regulations for development intended to implement the goals and policies.

In order to preserve and enhance the shoreline of the City of Port Townsend it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. The Shoreline Master Program provides the regulatory parameters within which development may occur, or it states that the community considers a certain type of use, development or activity is unacceptable within the City's Shoreline jurisdiction, or it states that a use or activity may be considered (if a conditional review is applied for), but that the community should be able to ensure that the development is carried out in such a way that the public's interest in protecting the shoreline is retained.

B. When is a Permit Required?

The Port Townsend Shoreline Master Program addresses a broad range of uses and development that could be proposed within the shoreline area. This thoroughness is intended to ensure that the Port Townsend shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, or cause the degradation of the aesthetic values of the shoreline that Port Townsend enjoys. Some uses/development may be required to obtain a Substantial Development Permit, a Shoreline Conditional Use Permit, a Shoreline Variance, or a Letter of Exemption. ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Port Townsend.

C. The Permit Process

The Shoreline Master Program regulates all "development." It also further defines what is considered "substantial development." In general, a shoreline Substantial Development Permit (SDP) is required to be obtained for development within the shoreline area. Some development may require a Shoreline Conditional Use Permit or a Shoreline Variance from the provisions of the Master Program. Review under the State Environmental Policy Act (SEPA) may also be required.

1. "Development," as defined under the Shoreline Management Act of 1971 is:

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

This definition indicates that the "development" regulated by the Shoreline Management Act includes not only those activities that most people recognize as "development" (for example, improving a road surface, building a structure, etc.), but also those activities that citizens may do around their own home (for example, grading a hillside to enhance their personal view of the water). While the impact of these potential "developments" may seem inconsequential at first glance, they may have unwanted and damaging affects on the shoreline ecology, the property of others, and the shoreline aesthetics.

There are three types of shoreline permits: the Substantial Development Permit (SDP), the Shoreline Conditional Use Permit, and the Shoreline Variance permit. Projects that are within

the definition of “development" that are not “substantial development” do not require a Substantial Development Permit (SDP); however they must still comply with all applicable regulations in the City’s Shoreline Master Program, and may be required to obtain a Letter of Exemption (Such developments may also be required to obtain a Shoreline Conditional Use Permit (CUP) or a Shoreline Variance from the Shoreline Master Program’s provisions prior to building permit issuance, see Section 2.4, Uses Not Constituting “Development” and Exemptions from Substantial Development Permit Requirements).

2. “Substantial development” is any “development” of which the total cost or fair market value exceeds five thousand dollars ($5,000), or any development that materially interferes with the normal public use of the water or shorelines of the state. Under the Shoreline Management Act, some types of development are exempt from the requirement to apply for and receive a Substantial Development Permit before beginning work.[1] These exemptions are listed in Chapter 2 Scope, Jurisdictions, Exemptions. A project that is exempt from Substantial Development Permit requirements must still comply with all applicable regulations in this Master Program, and may be required to obtain a Letter of Exemption.

The Shoreline Administrator can help identify if a project is classified as a development or a substantial development, determine if a Substantial Development Permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Administrator can also provide information on the permit application process and how the SMP process relates to, and can coordinate with, the SEPA process.

A description of projects requiring a Letter of Exemption, and shoreline permit application procedures and criteria are discussed in more detail in Chapter 2 Scope, Jurisdiction, Exemptions.

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[1] Per RCW 90.58.030(3)(e), Definitions and concepts: Substantial development.

Chapter 2
Scope, Jurisdiction, and Exemptions

SECTIONS:

2.1 Rule of Liberal Construction

2.2 Applicability

2.3 Port Townsend Shoreline Jurisdiction

2.4 Uses Not Constituting "Development" and Exemptions from Substantial Development Permit Requirements

2.5 Relationship to Other Plans and Regulations

2.1 Rule of Liberal Construction

As Provided Under RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction; the Act and this Master Program shall, therefore, be liberally construed to give full effect to the purposes, goals, policies, and standards for which the Act and this Master Program were enacted. On the other hand, exemptions from the Act or Master Program are to be narrowly construed.

2.2 Applicability

A. All proposed uses and development occurring within shoreline jurisdiction must conform to the Shoreline Management Act (SMA) and this Master Program. All uses, even those not meeting the definition of development, are subject to the provisions and development regulations of this SMP, even though a permit may not be required.

B. Any person wishing to undertake activities constituting "development" within shoreline jurisdictions shall apply to the Shoreline Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Shoreline Administrator shall determine if a Letter of Exemption, a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program UNLESS a Substantial Development Permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the Shoreline Management Act or by court order.

"Substantial development" shall be defined as it is by the Act (§90.58.030 RCW) and supplementing provisions of the Washington Administrative Code (§173-27-040 WAC). Procedures and processes for Substantial Development Permits can be found in Chapter 9, Conditional Use Permits – Chapter 10, and Variances – Chapter 11.

C. Developments exempt from a Substantial Development Permit, which are outlined in Section 2.4 D, shall require a Letter of Exemption. A project that qualifies as "exempt development" may also require a Shoreline Conditional Use Permit, and/or a Shoreline Variance from Master Program provisions.

1. Exempt developments shall not be undertaken within the jurisdiction of the Act and this

Master Program UNLESS a Letter of Exemption has been obtained documenting that the development is consistent with the policies and procedures of the Act, all applicable state regulations and this Master Program.

2. The request for the Letter of Exemption shall be in writing, on forms required by the Shoreline Administrator, and include the information required by the Shoreline Administrator.

D. This Master Program shall apply to every individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non- federal entity which develops, owns, leases or administers lands, wetlands or waters that fall under the jurisdiction of the Act, EXCEPT for the right of any person established by treaty to which the United States is a party.

E. The “policies” in this Master Program provide broad guidance and direction and will be used by the City in applying the “regulations.”

F. Applicability of this Master Program to federal lands and agencies shall be consistent with WAC 173-27-060 as currently exists or is hereinafter amended.

G. Applicability to uses not requiring development - The City intends to regulate development within the shoreline jurisdiction under its general police power authority to regulate for the general health, safety, and welfare and its specific authority under the SMA. All uses within the shorelines jurisdiction must be consistent with the policies and regulations of the Port Townsend Shoreline Master Program whether or not they require development. Furthermore, Shoreline Conditional Use and/or Shoreline Variance permits may still be required of development that is not substantial development. An exemption from the Substantial Development Permit requirements does not constitute an 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.

WAC 173-27-140(1): “*No authorization to undertake use or development on shorelines of the state shall be granted by local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the Master Program*.” (Bold emphasis added.)

2.3 Port Townsend Shoreline Jurisdiction

A. This Master Program shall apply to all the lands and waters in the City of Port Townsend that fall under the jurisdiction of the Shoreline Management Act. Shorelines within Port Townsend include the Strait of Juan de Fuca, Admiralty Inlet, Port Townsend Bay, Chinese Gardens, and Kah Tai lagoon together with the lands underlying them and all lands extending landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark together with any associated wetlands.

B. There is hereby made a part of this Master Program a map, Appendix A, illustrating the shoreline designations and the approximate location of the upland extent of the shoreline jurisdiction in Port Townsend. The area of shoreline jurisdiction extends waterward to the Port Townsend City Limits. The actual landward extent of shoreline jurisdiction will be determined on a case-by-case basis.

C. Given that the Shoreline Designation Map is an integral part of this Master Program, no part of the map may be altered or revised unless a Master Program amendment has been approved by the City Council and the Washington State Department of Ecology (RCW 90.58.090).

D. Associated wetlands that are included in the shoreline jurisdiction are those that influence or are influenced by the regulated waters including the Puget Sound, Kah Tai Lagoon and Chinese Gardens. In general, a wetland is "associated" if all or a portion of the wetland falls within that area that is 200 feet from the ordinary high water mark. A wetland outside of this area may also be associated if it is in proximity to the shoreline and there is a demonstrated influence between the wetland and the shoreline. Such influence can include hydraulic continuity, such as a surface or groundwater connection.

E. Application to projects only partially located within shoreline jurisdiction - For projects lying partially within shoreline jurisdiction, the shoreline permit must incorporate consideration of the entire integrated project and a determination of consistency with the policies of the Shoreline Management Act and this Master Program must be made and uses must be found compatible with shoreline uses within the applicable designation. However, only the portion within the shoreline jurisdiction must meet the regulations and standards (e.g., height limit, lot coverage, etc.) of this Master Program.

2.4 Exemptions from Substantial Development Permit

A. General. All applications for exemptions shall be made on a form provided by the Shoreline Administrator and accompanying material as required by Chapter 20.01 PTMC. All exemptions shall be construed narrowly. An exemption from the substantial development process is not an exemption from compliance with the SMA or this Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the SMA and of this Master Program. The Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Master Program. A Letter of Exemption shall expire one year after the date of issuance unless otherwise specified in the Letter of Exemption.

B. Whenever a development falls within the exemption criteria listed in 2.4.D. below and is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Shoreline Administrator shall prepare a Letter of Exemption and send a copy of this statement to the Washington Department of Ecology.

C. Incremental exemptions – Exemptions shall not be issued for a series of inter-dependent activities that in sum would require a permit (i.e., a project cannot be submitted in a piece-meal fashion to avoid the requirement for a substantial development permit).

D. Exemptions from Substantial Development Permit – The following shall not be considered substantial development for the purpose of this Master Program.

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand ($5,000) dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state.

For purposes of determining whether or not a Substantial Development Permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within one year after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

3. Construction of a soft-bank revetment, bioengineered, or beach nourishment erosion control projects associated with a single- family residence when the project has been approved by the Department of Fish and Wildlife. Construction of a "normal protective bulkhead" or “rip-rap” at or near the ordinary high water mark to protect a single-family residence shall require a Shoreline Conditional Use Permit and must demonstrate that the proposed protective bulkhead or rip-rap is the most natural protective system that is feasible on the site. Such improvements must be for protecting land from erosion, not for the purpose of creating dry land;

4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is 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 Act or this Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline 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, obtained. As a general matter, potential flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. A written statement from a qualified professional may be required to verify that an emergency exists;

5. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers or “no anchor zone” buoys;

6. Construction by an owner, lessee, or contract purchaser of a single family residence for such person’s own use or for the use of his or her family, which residence does not have a building height that exceeds thirty (30) feet and meets all requirements of the state agency or local government having jurisdiction thereof;

7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

8. The marking of property lines or corners on private or government owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;

9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on and in use since September 8, 1975, which were created, developed or utilized primarily as part of an agricultural drainage or diking system;

10. Any project with certification from the governor pursuant to Chapter 80.50 RCW in regards to energy facilities to meet state demands;

11. Watershed restoration projects as defined in WAC 173-27-040. Local government shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration;

12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of the surface waters;

b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of any structure, and upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity; and,

d. At the discretion of the Shoreline Administrator, a bond may be required to the local jurisdiction to ensure that the site will be restored to preexisting conditions.

13. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and

c. The Shoreline Administrator has determined that the project is consistent with this Master Program.

E. Before issuing a shoreline Letter of Exemption, the Shoreline Administrator shall review the Master Program to determine if the proposed development requires a Shoreline Conditional Use Permit and/or a Variance. It may be necessary for the Shoreline Administrator to conduct a site inspection to ensure that the proposed development meets the exemption criteria. Application information shall include those items listed in Chapter 10, Section 10.9 for Substantial Development Permits unless otherwise waived.

2.5 Relationship to Other Plans and Regulations.

A. In addition to compliance with the provisions of the Shoreline Management Act of 1971 and the state Shoreline Guidelines, the Port Townsend Shoreline Master Program must be consistent with local plans and policy documents, specifically, the Port Townsend Comprehensive Plan and the City's critical areas regulations. The Master Program must be consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as regulations relating to building construction and safety.

B. Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the City of Port Townsend Comprehensive Plan, the Washington State Environmental Policy Act ("SEPA", Chapter 43.21C RCW and Chapter 197-11 WAC), the City of Port Townsend Municipal Code, 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.

In the event a conflict occurs between the provisions of this Master Program and the laws, regulations, codes or rules of any other authority having jurisdiction within the City, the regulations that provide more protection to the shoreline area shall apply, EXCEPT when constrained by federal or state law, or where specifically provided otherwise in this Master Program.

C. An applicant applying for a permit with the City is required to be in compliance with all other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use. Examples of activities that may require permits, review, or approval from other agencies are listed in the following table.

Table 2.5-1 Other Commonly Applicable Regulations/Permits

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
Federal Emergency Management Agency (FEMA)	CFR 44, Part 60 This Ordinance applies to the areas designated as flood zones on FEMA's Federal Insurance Rate Map.	All construction within and uses of the floodplain must meet the standards established in the Port Townsend Municipal Code, section 19.05.090.	Review for compliance with FEMA guidelines is conducted through enforcement of the Port Townsend Frequently Flooded Areas.
	Sect. 404 of Clean Waters Act	Discharge of dredged materials,	Section 404 Permit

	Jurisdiction extends to Ordinary High Water Mark of all waters of the US and includes all adjacent wetlands	fills, grading, ditch sidecasting, groins, breakwaters, road fills, beach nourishment, riprap, jetties, etc.	(some limited activities are covered by nationwide general permits)
Washington Department of Agriculture	Varies	Use of pesticides by any means other than hand pumped device - varied restrictions apply depending on the ownership of the property receiving the pesticide, the type of pesticide, etc.	Varies
Washington State Department of Fish and Wildlife **(DFW)**	RCW 75.20.100-160. All fresh or salt water in the state	Work, construction, development, or other activities that will change the natural flow or bed of any fresh or salt water in the state.	Hydraulic Project Approval (HPA)
Washington State Department of Natural Resources (DNR)	RCW 79.90. Navigable water bodies, including certain lakes, rivers, and streams. These waters are owned by the State of Washington.	Construction, filling, dredging, drilling, mining, road construction, utility installation, etc., within the beds or shorelines of these waters.	Aquatic Lands Lease and/or Authorization.
	RCW 76.09. Water bodies near forest activities	Forest activities relating to growing, harvesting or processing timber, road construction and maintenance, brush clearing,	Forest Practice Approval

		slash disposal.	
Washington State Department of Ecology **(DOE)**	Section 401, Clean Water Act	Any activity that might result in a discharge of dredge or fill material into water or wetlands, or excavation in water or wetlands that requires a federal permit (e.g. maintenance dredging).	Water Quality Certification
	RCW 90 (various chapters)	Withdrawal of surface or ground water.	Water Use Permit; Certificate of Water Right
	RCW 43.21C Determined by the scope of the project. See also: City of Port Townsend, SEPA. Water Pollution Control Act (RCW 90.48)	SEPA is a process that provides a way to analyze and address the environmental impacts of a project and is geared to mesh with already existing permits, approvals, and/or licenses. Act prohibits discharges of polluting matter to any waters of the state, including wetlands. A permit is required for any project potentially impacting state waters.	State Environmental Policy Act (SEPA) Review Various permits, including NPDES, Municipal Wastewater, and Septic permits.
City of Port Townsend	Port Townsend Shoreline Master Program - SMP jurisdiction is listed in	Development within the shoreline jurisdiction of Port	Shoreline Substantial Development Permit

	Chapter 1 of this document.	Townsend.	Shoreline Conditional Use Permit Shoreline Variance
	Port Townsend Municipal Code, Chapter 16.04	Development over 200 Square feet. See Uniform Building Code	Building Permit
	Port Townsend Municipal Code, Chapter 19.05 Environmentally Sensitive Areas (ESAs) is the adopted code intended to carry out FEMA requirements within the 100-year floodplain	All development activity, including buildings, mining, filling, dredging, grading, paving, excavations, drilling operations, and storage of equipment or materials.	For frequently flooded areas, the review for compliance with this ordinance is conducted as a part of the development review and building permit process.
	Title 17, Zoning Code	Development within the City of Port Townsend	Zoning Variance Zoning Conditional Use Zone Change
	Chapter 19.05 Environmentally Sensitive Areas	Development in a Sensitive Area (Wetlands, Wildlife Habitat Areas, Aquifer Recharge Areas, Flood Hazard Areas, Geologic Hazard Areas, etc.)	Sensitive Areas Permit
	Port Townsend Municipal Code, Chapter 19.04 contains the Port Townsend State Environmental Policy	All activity meeting the threshold identified in RCW 43.21C and WAC Chapter 197-11.	State Environmental Policy Act (SEPA) Review

	Act (SEPA) Policies (This is the local ordinance intended to carry out the state SEPA requirements.)		
	Port Townsend Municipal Code, Chapter 13.32 Stormwater Management	Fill or grading over 50 cubic yards of material. Fill or grading of under 50 cubic yards if heavy equipment is used.	Temporary Sedimentation and Erosion Control Permit And/or Clearing & Grading Permit
U.S. Army Corp of Engineers	Section 10 of the Rivers & Harbors Act of 1899 Section 404 of the Clean Water Act	Dredge or fill materials discharged into waters of the United States	Section 10 404 Permit
U.S. Coast Guard	Section 9 Bridge Permit	Construction of any bridge across navigable waters of the United States	Section 9

At the time of an initial inquiry or when a permit application is submitted, the Shoreline Administrator should inform an applicant of those regulations and statutes that may be also applicable to the proposed project to the best of the Administrator's knowledge, PROVIDED, that the final responsibility for determining the applicability and complying with such other statutes and regulations shall rest with the applicant.

Other activities that could occur along the shoreline (starting bonfires, disposing or spilling/releasing of regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here.

Chapter 3
Summary of Inventory and Characterization

SECTIONS:

3.1 Introduction

3.2 Study Area

3.3 Northern Shoreline

3.4 Eastern Shoreline

3.5 Southern Shoreline

3.6 Lake Shorelines

3.1 Introduction

In order to develop the goals, policies, and regulations of this Shoreline Master Program several supplemental documents have been completed to describe the current conditions of the Port Townsend Shoreline. These documents provide a comprehensive analysis that evaluates the components that make up the ecological health of the shoreline jurisdiction and identify areas with potential for conservation and restoration of ecological functions. This chapter summarizes the findings of these documents. These documents include:

a. Shoreline Inventory Summary Report 2002

b. Characterization of Functions and Ecosystem-wide Processes 2004

c. Port Townsend Shoreline Atlas

d. Salmon and Steelhead Habitat Limiting Factors for Water Resource Inventory Area 17, the Quilcene-snow Basin 2002

3.2 Study Area

The City of Port Townsend lies on the northern tip of the Quimper Peninsula on the northeastern corner of the Olympic Peninsula. The city is bordered on three sides by marine beaches, referred to in this document as the Northern, Eastern, and Southern shorelines. Although these three shoreline are connected through climate, oceanographic features, littoral drift, and animal habitat utilization, they are distinct from one another in ecologically important ways such as: wave energy, substrate type, and degree of human shoreline alterations. City shorelines include priority habitats supporting a variety of priority marine fishes, birds, plants and invertebrates. Many of these species are listed under state and/or federal law as priority species, sensitive species, species of concern, candidate or listed species under the Federal Endangered Species Act.

The City also contains two “Lake Shorelines,” Kah Tai Lagoon and Chinese Gardens. Following is a description of each shoreline: the Northern, Eastern,

Southern, and Lake Shorelines, including existing land use, public access, and impairments. The shorelines are further divided into sub-segments based upon the geomorphology.

3.3 Northern Shoreline

The Northern Shoreline runs along the Strait of Juan de Fuca between Elmira Street and the eastern tip of Point Wilson. Of the three shorelines, this shoreline is the most highly exposed to wind waves. The rocky intertidal substrates support surfgrass, priority canopy-forming kelp habitats and priority bird habitats associated with the bluffs and the proximity to Protection Island. The Northern Shoreline is composed of three sections. The three-mile long stretch includes: the West Bluffs, the Low Bank/Chinese Gardens Trough, and the Fort Worden Bluffs/Point Wilson Spit. Figure 36 of the Shoreline Inventory shows the sub- segments of the northern shoreline.

A. West Bluffs

This shoreline is 7000 feet long. The drift cell along this sub-segment carries sediments from these West Bluffs east to Point Wilson Spit. Armoring occurs in a few isolated instances. These steep bluffs, with heights up to 300 feet, are still eroding and contributing large amounts of sediments and woody debris to adjacent beaches.

Land Use

1. Land use along this sub-segment is residential and agricultural. Historically, there were likely forests to the edge of the entire bluff edge.

2. Presently historical forest areas have been cleared for housing developments between Fort Worden and the western edge of Seaview Estates.

Public Access

1. Although there is view access at Elmira Park, there is no public access directly to this shoreline segment due to private ownership of bluff areas and the steep nature of these bluffs.

2. Public view access is only provided atop the steep bluffs at Elmira Park.

3. The tidelands from Elmira Street to Cook Avenue and from Hendricks Street to Hill Street are state-owned from the government meander line or Mean High Tide to Extreme Low Tide (WDNR 1989).

Impairments

1. 6% of this shoreline is armored with isolated instances of riprap, bulkheading and stairways.

2. Approximately 70% of the length of the bluff top has been denuded to allow for agricultural and residential uses.

B. Low Bank/Chinese Gardens Trough

This sub-segment, consisting of approximately 2100 feet of low bank backshore, lies within the northern shoreline drift cell. The net sediment movement is easterly carrying sediment from eroding feeder bluffs at McCurdy Point to the

Point Wilson Spit. The bluffs to the west, including the above-described West Bluffs, are important

sediment sources for this sub-segment. The low bank nature of this sub-segment precludes its significant sediment contribution to down-drift beaches (Shipman 2002).

Land-Use

Approximately 80% of the backshore area of this shoreline is residential, 10% is Jefferson County Park lands and the 10% is Fort Worden State Park land.

Public Access

1. Informal public access is located at the end of Gise Street, where a rock stairway provides beach access.

2. Public access is also located at the North Beach County Park from where the public can easily access the beach from the parking lot, which is only one to two feet above sea level. From either of these access points, the public can continue walking along the shoreline beyond city limits in the westerly direction or walk along Fort Worden property to Point Wilson.

Impairments

1. This area appears to have been 90% denuded over the past 100 years. However, no significant additional denudation appears to have occurred over the last 50 years. Cumulative effects of individual occurrences are an ongoing risk.

2. The City of Port Townsend sewage outfall is located 900 feet offshore from the Fort Worden State Park portion of this shoreline. This is monitored on a monthly basis, as part of a statewide Marine Water Column Ambient Monitoring Program. Sampling at this site has shown no loading of nitrates, ammonium or fecal coliform. Although low dissolved oxygen results have occurred at this site, such results are understood to reflect the upwelling of naturally low-oxygenated Pacific Ocean water. This is a very physically dynamic environment due to the close proximity to the shallow sill of Admiralty Inlet and exposure to strong currents and high seasonal winds that create turbulence and a well-mixed water column. At this site, the light transmission during most of the year is in the upper 80%. This is an indicator of healthy conditions, low turbidity, lack of suspended sediments and increased availability of light for plant photosynthesis.

3. This shoreline sub-segment is hardened by riprap for well over 50% of its length. However, the riprap is varied in height and upkeep. Approximately 20% of the riprap is single boulder height averaging 2 feet each and is in a derelict state. This derelict state still allows some movement of sediments and organic materials between the backshore and the intertidal. The remaining is armored as high as 7 feet with little to no interaction between backshore sediments and the intertidal beach.

4. Shoreline armoring poses the risk of interfering with public access when hardened shorelines cause beach erosion. This erosion can eventually cause the shoreline structure to intrude into the intertidal over time, limiting public access to areas on the other side of the structure.

5. Multiple stairs to the beach, a fence and 2 stormwater outfalls are found in the upper

intertidal area.

C. Fort Worden Bluffs/Point Wilson Spit

The Fort Worden Bluff portion of this sub-segment is characterized by over 4200 feet of high banks and steep bluffs over 200 feet in height. These bluffs provide sediments for adjacent beaches and the Point Wilson Spit (WDNR 2001, Keuler 1988). The forests above the Fort Worden Bluffs are largely intact with forests along the entire bluff top contributing woody debris to the beach system. The Point Wilson spit is over 2400 feet of low bank backshore and accretionary spit receiving sediments from the bluffs to the west. The Fort Worden Bluffs and the West Bluffs are the major sources of sediments. Some of this sand is transported around the Point by wave refraction and the rest is lost offshore. The combined result, despite the existence of high feeder bluffs to the west, is a sediment deficit at Point Wilson (Schwartz 1994). A series of photos from 1976 to 1990 show a continuous riprap from in front of Battery Kinzie to the lighthouse, intermittent riprap in 1985, and riprap only at Battery Kinzie and the lighthouse in 1990. Presently, the shoreline around the tip of Point Wilson and seaward of the Battery Kinzie are armored by riprap and large concrete blocks. In addition to riprap, a series of three sills, composed of a series of boulders, were placed perpendicular to the shoreline to retard erosion between the Battery Kinzie and the lighthouse in 1989. An extreme series of northerly storms in 1990 lowered the beach profile and cut a scarp into the backshore despite the three sills. Based on beach profile measurements taken in 1994, erosion appears to have lowered the profile of the beach between 1990 and 1994. Park personnel estimate the beach to be eroding at a rate of 4 feet per year.

Land Uses

1. This entire sub-segment is Washington State Park lands.

2. The Point Wilson Spit also houses a U.S. Coast Guard lighthouse and dwelling, two parking lots, a road that loops around for public access to a parking lot on the northern side and a road for public access to a campground located on the western end of the spit.

Public Access

1. Fort Worden State Park historic military site offers long sandy beaches with upland lodging, conference centers, camping, day-use, theater, science center and boat ramp.

2. A public campground with 50 full-hookup sites on the spit area between the bluffs and the beaches of Point Wilson.

3. Public access to Point Wilson Spit is provided by three trails.

4. The beach along the northern shoreline is used predominately for beachcombing, walking, education and sightseeing.

5. Access to the northern shorelines is available from a day-use parking lot, over riprap and from the campground over the dunes.

Impairments

1. 20% of this shoreline has been armored, changing the natural portions of the spit

backshore from one of sand, pebbles and cobble to large riprap and concrete blocks.

2. Shoreline armoring has likely interfered with the natural migration of the spit to the south.

3. Armoring may have reduced high berm and upper intertidal area for forage fish spawning.

4. Armoring and the lighthouse structure limit public access to the point.

5. Continued erosion threatens the existence of parking lot and existing Coast Guard buildings.

6. Remaining sill structures potentially impede public access.

3.4 Eastern Shoreline

The Eastern Shoreline runs along Admiralty Inlet between Point Wilson and Point Hudson. Residential and recreational land uses dominate the Eastern Shoreline. It is a semi-protected shoreline with reduced wind wave energy. These shorelines provide fine substrates that support rich abundances of eelgrass meadows that in turn support priority and ESA-listed fish species and priority bird habitats. The Eastern Shoreline is made up of four segments across a two- mile stretch: Point Wilson Spit, Low Bluffs, High Bluffs, and Low Bank Beach to Point Hudson (Figure 44 of the Shoreline Inventory).

A. Point Wilson Spit

Point Wilson Spit is approximately 3500 feet long. It is a broad, low bank sandy- spit with natural sandy beaches along this eastern shoreline. The spit is located within Fort Worden State Park and supports a Coast Guard Lighthouse that is armored with a combination of concrete blocks, riprap and pilings that have been added over time to defend the Point from erosion.

B. Land Use and Public Access

Point Wilson, within the Fort Worden State Park, is used predominately for recreation. The exception is the lighthouse area, presently used for navigational purposes by the U.S. Coast Guard. However, with changes in navigational technology, this use is expected to change to recreational. The spit is used both for active and passive recreational purposes with visitors from around the nation and the world enjoying fishing, diving, boating, viewing, walking, beach-combing, camping, picnicking, and educational group activities along the southern beach of the spit. The public has access to this entire shoreline segment. It is used for diving, boating, beachcombing, clamming, fishing and educational activities sponsored by the Port Townsend Marine Science Center. An underwater dive park is located offshore from this segment. This beach is a popular beach used year-round by families, individuals and organizations.

Backshore, picnic tables and shelters, restrooms and public trails enhance public access and use of this beach segment.

Impairments

1. Less than 1% of this beach has been armored. Armoring occurs only at the tip of Point Wilson where riprap and pilings armor the tip to protect the lighthouse.

2. The major extent of this beach has very little modification. The low-bank sub-segment with the boat basin, ramp, and associated bulkheads blocks sediment transport to this beach on the southern side of Point Wilson. However, sediments are apparently transported from the north around the spit and deposited onto the beach, as the beach does not show significant erosion loss.

C. Low Bluffs

This sub-segment extends for approximately 1500 feet. It includes the Fort Worden Boat Basin and extends to the edge of the High Bluffs along Morgan Hill. Just over 10% of this shoreline has been armored. These Low Bluffs are vegetated by a variety of trees and shrubs and are located upland of a broad sand and gravel backshore with dunegrass. These moderately high bluffs are not feeding sediments to the beach or littoral transport system. The beach is sandy with dunegrass found upshore and eelgrass beds in the subtidal areas. The net sediment drift cell direction is northeast from Point Hudson to Point Wilson. This beach area continues to receive sediments from Point Hudson. However, the south boat basin bulkhead breaks sediment drift at the edge of this sub-segment and sediment accumulates on the south side of the boat basin. A paved public road runs along the bluff-top parallel to the beach. This road provides vehicle access to Point Wilson Spit, the beach campground and public facilities.

Land Use and Public Access

1. Located within the boundaries of Fort Worden State Park, this area is extensively used by the public for walking, beachcombing, boating, diving and other recreational and educational events.

2. The boat basin within this segment provides a public launching ramp composed of a 33-foot concrete boat ramp and an associated seasonally available 70-foot floating dock. It also hosts the Port Townsend Marine Science Center, a marine science public education facility that includes a marine laboratory and aquarium that is open to the public.

3. The marina includes a 70-foot float for both the science center and public overnight moorage. This float is also located in the boat basin and is attached to the main dock.

4. The basin is enclosed by bulkheads on both the east and west sides.

5. A 132-foot bulkhead is located along the north side of the boat ramp. This protects the basin from wind waves and swells from the east.

6. On the south side of the main dock, a bulkhead consisting of a series of 264 pilings prevents sediments from entering the basin from the southwest and west.

7. Several anchor buoys are located offshore for overnight moorage. The State Parks maintains these buoys and charges the public a fee for buoy tie-up.

8. South of the boat basin, a 127-foot stairway provides public access from the paved road at the bluff top. The stairway includes viewing decks area with interpretive signage depicting the natural physical processes along that shoreline.

Impairments

1. Approximately 10% of this shoreline is modified. Bulkheads on both sides of the boat basin interfere with the sediment transport process in the net eastward direction and likely decrease the abundance of sediments deposited to the beach on the south side of the Point Wilson Spit.

2. In 1996, it was reported that at least 3500 cubic yards of excess sand were trapped in the basin with larger quantities prograded from the south breakwater updrift to the wooden access stairway.

D. High Bluffs

This segment begins at the southern Fort Worden boundary and continues for approximately 4300 feet to Chetzemoka Park. These are steep high bluffs of around 100 feet in height. There exists potential for large landslides and future hazards. These bluffs contribute significant sediment loads to the littoral drift system (Shipman 2002).

Land Use

1. For the most part, this entire stretch is developed for residential use with houses at the top of the high bluffs.

2. The shoreline is only used for passive recreation, such as walking and beach-combing.

Public Access

The bluffs are too steep to allow stairway access. Public access to these beaches is only through Fort Worden State Park beaches, Chetzemoka City Park or through Port property at Point Hudson. The Chetzemoka Park access provides viewing seats, disability access and interpretive public education signage on marine resources and shoreline biology.

Impairments

1. Less than 10% of this shoreline is armored. The residential portion, which is the major portion, of this sub-segment, contains no bulkheading.

2. The Chetzemoka Park shoreline is armored with broken chunks of aggregate followed to the south by approximately 275 feet of riprap and a concrete ramp walkway providing public and disability access to the shoreline directly from the City park.

3. At nearly Mean Tide Level, the tideline reaches the riprap toe at the base of walkway ramp.

4. On the northern end of the park property, stormwater runoff has been allowed to drain over the top of the bluff causing soil failure directly under the outfall located on the bluff at the rear of the Golden Age Club building.

5. Outfall of chlorinated City water forms an artificial aesthetic "creek" flowing through the park cascades down the bluff. It is at the site of this outfall that most of the derelict armoring

aggregate is located.

6. Some denudation along the residential bluff tops with increased construction of new homes.

E. Low Bank Beach to Point Hudson

This 1500-foot low bank sub-segment extends from the southern border of Chetzemoka Park to Point Hudson. It receives sediments from the south with little, if any, input from the low bank backshore. The sediment wraps around Point Hudson to create the spit. This sediment deposition has created a spit extending easterly from the tip of Point Hudson. It is not clear if there was a historical tidal inlet located along this sub-segment. Historically, the Port filled and dredged the lagoon area at this site to create the marina.

Land Use

1. Approximately 700 feet of this 1500-foot sub-segment is owned by the Port of Port Townsend. The remaining is adjacent to private property.

2. Approximately 50% is residential and 50% passive recreational use. The beach is used by the public for walking and beach-combing and the adjacent upland area, owned by the Port of Port Townsend, providing overnight recreational vehicle and trailer-camping.

3. At Point Hudson, a gravel public road adjacent to the backshore provides access to commercial buildings, restaurants, marina office, hotel, and RV camping sites.

Public Access

1. Public access to this sub-segment is provided at both the Port's Point Hudson property and Chetzemoka Park. This beach is widely used for beachcombing and walking by the local public.

2. Point Hudson public access provides parking and pathways to the beach.

3. A Native American historical canoe exhibit is adjacent to the beach at the Point Hudson section.

Impairments

1. 10% of this shoreline is armored.

2. This 1500-foot shoreline is largely unmodified, with the exception of 140 feet of riprap and wooden stairs added to provide beach access to a private residence.

3. Low bank erosion along the shoreline of the Lincoln Beach residences has moved the southern shoreline landward. This progradation could be exacerbated by shoreline modifications along the southern shoreline that have interfered with sediment transport and the deposition of sediments along this shoreline.

4. Riprap armoring appears to be moving seaward.

3.5 Southern Shoreline

The Southern Shoreline consists of the shoreline from the Larry Scott Bluffs, west of the western Boat Haven jetty, north to Indian Point, and north from Indian Point to Point Hudson. The approximately 3 miles of shoreline along this segment are defined primarily as urban waterfront with a mix of commercial and residential development. These shorelines are semi-protected from wind-wave energy. They also provide fine substrates for eelgrass beds and support priority and ESA-listed species. These shorelines are also the most highly modified shorelines in the City. The Southern Shoreline consists of three segments: Point Hudson to Indian Point Pocket Beaches, Kah Tai Trough, and Larry Scott Bluffs.

Port Townsend shorelines have a long history of human occupation. Based upon early photographs taken at the turn of the century, the City's in- and over-water structure footprint appears to have been reduced over the past decades. This is a result of buildings no longer being built into the intertidal and recent dock construction, such as the Union Wharf, being designed to avoid impacts to the marine environment. The southern shoreline is 100% modified by various structures and landfill. The majority of land use is commercial/port related industrial. Residential uses in the form of condominiums or apartments occupy low bank areas between downtown and the Boat Haven while single-family residences sit on the high bank property above the Larry Scott Memorial Trail.

A. Point Hudson to Indian Point Pocket Beaches

This approximate one mile shoreline from Point Hudson to Indian Point consists of small pocket beaches separated by riprap, seawalls and a variety of over-water and other structures. Historically, along the eastern end in the immediate vicinity of Point Hudson, the shoreline was low bank with tidal marshes. Continuing westward from Monroe Street, steep feeder bluffs likely provided sediments to broad, flat intertidal beaches between Point Hudson and Indian Point.

Approximately 6% of this shoreline remains unarmored. Unarmored beaches can be found at Pope Marine Park, Adams Park and at the end of Tyler Street.

Land Use

1. The land use in this segment is predominately commercial and recreational.

2. Point Hudson is a small marina under the ownership of the Port of Port Townsend that serves mainly recreational boaters.

3. The City Dock, the Wave Viewing Gallery, the Tidal Clock, and the Union Wharf are city-owned structures built to serve tourism and recreational needs.

4. A variety of private property owners own buildings and parcels adjacent to downtown shorelines.

5. Admiralty Apartments and Bayview Condos are the only shoreline residential buildings between Point Hudson and Indian Point. All other uses are primarily commercial hotels, restaurants and retail.

Public Access

1. Public access via a pier out over the water is provided at the Point Hudson jetty walkway along the marina jetty.

2. Access to the full length of the beach between Point Hudson and City Dock is available just east of the Thomas Oil site, at the Salmon Club Boat Ramp, and Pope Marine Park.

3. Public access is provided on piers over the water on the City Dock and the Union Wharf.

4. Public access to the beach area between the Cannery Building and the Surf Restaurant is provided at the Adams Street Park.

5. Public access is provided just west of the ferry terminal access road and by way of the public walkway beginning at the Shirley Browning Park at the Bayview Restaurant and extending west to Indian Point via a continuous walkway.

6. Public access is provided at the end of Tyler Street

7. Public access to the shoreline is provided at Walker Street Park.

Impairments

1. Over 95% of this beach is armored.

2. Between the Jetty Walkway and the old Thomas Oil site approximately 120 feet of beach is armored with riprap followed by 60 feet of unarmored beach. West of the old Thomas Oil site, 60 feet of natural beach extends westward, followed by a 60-foot natural beach and a 60-foot cement seawall.

3. Concrete bulkhead on western edge of Thomas Oil site.

4. Portable Sani-can on intertidal beach.

5. Derelict dock at Thomas Oil site.

6. One city outfall pipe lies on the intertidal; another is out several hundred feet in the subtidal between the old Thomas Oil Dock and Salmon Club boat launch area.

7. The intertidal area between the City Dock and the Cannery Building has been effectively eliminated by a variety of structures that include the Tidal Clock, the Wave Viewing Gallery, the old Quincy Street Ferry Dock, and the old Cannery Building.

8. West of the old Cannery Building riprap, a seawall extends to a 100-foot unarmored pocket beach adjacent to the Adams Street Park, followed by buildings and decks extending into and over the intertidal, including the Surf Restaurant and Union Wharf.

9. West of the Union Wharf, a series of buildings extend into the intertidal with the exception of one small 100-foot unarmored beach at the end of Tyler Street.

10. Between the Port Townsend Plaza and the Washington State Ferry Terminal, the Port Townsend Plaza bulkheading and fill area effectively eliminates the intertidal beach seaward of the plaza riprap.

11. The area west of the Washington State Ferry Terminal and out to Indian Point is a long continuous intertidal beach armored with a combination of riprap and two concrete seawalls at each end. Indian Point is landfill extending out into the intertidal.

12. Bulkheading has interrupted the littoral sediment drift and deposition along Southern Shoreline beaches and adjacent Eastern Shorelines.

13. All docks with the exception of the Maritime Center, Union Wharf and the new Washington State Ferry Terminal are built upon creosote piles. Creosote is known to leach into adjacent substrates and the water column. In this way, it known to enter the marine food web, resulting in the bioaccumulation in marine organisms.

14. Riprap and concrete rubble effectively eliminate shallow intertidal on tides above MLW between Pope Marine Building and riprap rubble west of Cannery Building on Quincy Street.

15. Concrete waste pile between Pope Marine Park and Pope Marine building intrudes on the shallow intertidal above mean low water (MLW).

16. Between Quincy Street and Port Townsend Plaza, armored shorelines, with the exception of the Tyler and Adams Streets pocket beaches, intrude into the intertidal at tides above mean high water (MHW).

17. Port Townsend Plaza and associated riprap bulkheading extend into the intertidal area, effectively eliminating the shallow intertidal on tides higher than MLW from the eastern edge of the mall to just west of the ferry terminal access road.

18. Dredged hole seaward of Port Townsend Plaza, from which fill was dredged to support the plaza, eliminates the colonization of eelgrass at that location.

19. Restaurant, condominiums and motel built on landfill between new ferry terminal and Indian Point intrude over historic intertidal and presently effectively eliminate nearshore habitat above MHW.

20. Indian Point landfill eliminates shallow nearshore on all tides above MLW.

21. Derelict creosote piles and old wing walls still remain offshore of Point Hudson, the Quincy Street abandoned ferry dock, just east of the Wave Viewing Gallery and off of Indian Point.

22. Unusable "Wave Viewing Gallery" built on creosote piles shades intertidal and eliminates intertidal at all tide levels above MLW.

23. A non-functioning Tidal Clock structure contributes to intertidal creep seaward from MLW.

24. Future potential loss of public access with likely seaward movement of armored shorelines.

25. Landfill at Indian Point may have reduced extent of eelgrass bed.

26. Boat anchoring during heavy tourist season likely dislodges and interferes with health of eelgrass beds along downtown shorelines.

B. Kah Tai Trough

This is a one-mile shoreline that extends between the base of the bluffs just west of Kearney Street to the eastern base of the Larry Scott Bluffs. This depression once contained extensive wetlands and a very large lagoon that was largely filled to provide for a large boat basin, boatyard and other businesses. It is part of an approximate three-square mile depression in the center of the City that runs approximately 3 miles north to south and 1 mile east to west across the City center. Again, due to extensive modification, the direction of the drift cell is presently unknown. Although historically the littoral drift direction was easterly towards Point Hudson, these beaches are now cut off from sediments deposited by alongshore drift from the west due to the Boat Haven and associated jetties and structures.

Land Use

1. Along this approximate one-mile shoreline, between Indian Point and Boat Haven, landuse is 25% residential and 75% commercial.

2. The marina has two boat basins, a main basin for private recreational boats and a smaller commercial fishing basin to the east. Benedict Spit separates the two basins. The marina configuration is that of a closed basin comprised of 4 sets of docks with a total of 425 slips. The main basin hosts two haul- out areas and two boat ramps.

3. 25 acres of uplands adjacent to the marina hosts a large industrial park that provides storage for 200 boats and space for numerous marine trades and related businesses.

4. Historic use of railroad trestle, now abandoned, west of the Boat Haven.

5. Gaines Street sewer pump station located at the waterward end of Gaines Street.

Public Access

1. Public access to the beaches along this sub-segment is provided at Gaines Street, at Kearney near Jefferson Title and just west of Aladdin Motor Inn.

2. The large Port of Port Townsend Boat Haven is a public marina providing public access to docks over the water and along the inner marina shoreline.

Impairments

1. The jetties surrounding the marina interfere and block sediment transport with sediments backing up behind the western jetty and not depositing to beaches east of the marina, as they would otherwise do.

2. Marina jetties fill intertidal area and block sediment transport to all pocket beaches to the east with sediments being trapped at the western end jetty.

3. Water quality sampling indicates that boat discharges and the lack of circulation have

degraded water quality within the marina. This degradation is significant during the boating season with fecal coliform standards far exceeding WDOH standards.

4. The marina provides no passageway for juvenile salmon migration.

5. The abandoned railroad trestle is a potential source of contaminants due to creosote piles.

6. The Boat Haven is built in some of the most productive Pacific sand lance habitat along city shorelines. Pacific sand lance spawning beaches are found on both sides of the Boat Haven.

7. Untreated stormwater outfall in the Boat Haven.

8. A seawall and numerous riprap-armoring modifications intrude into the intertidal posing risks of further seaward intrusion.

9. Artificial landfill at Indian Point intrudes into intertidal habitats.

C. Larry Scott Bluffs

Land Use

1. The City shoreline along the Larry Scott Trail extends for approximately 1/2 mile. It has 100% recreational use with the trail available to the public for walking and bicycling.

2. Along the bluff tops, the upland use is 100% residential.

3. At the base of the eastern edge of the bluffs, 2 port wetlands are used for stormwater catchment.

4. The Port maintenance shop is also located in close proximity to these wetlands.

Public Access

At the western end of the Boat Haven boatyard, public access is provided to a shoreline trail for passive public recreation that includes walking and bicycling along the Larry Scott Trail. The trail runs along the old railroad bed that once served the Port Townsend Paper Mill.

Impairments

1. Fill and riprap has separated the intertidal from the historic feeder bluffs. This reduces sediment deposition to down-drift beaches.

2. Larry Scott Trail is on fill over historic intertidal area.

3. Sediments drifting alongshore from feeder bluffs north of Kala Point accumulate behind the marina.

4. Untreated stormwater outfalls are found along this segment of shoreline.

3.6 Lake Shorelines

A. Chinese Gardens

The Chinese Gardens Shoreline consists of the shoreline surrounding the Chinese Garden Lake. It is located entirely within Fort Worden State Park within the City's largest drainage basin. The Chinese Garden Lagoon is a Category I wetland with the lake also regulated under the City's Shoreline Master Program.

Land Uses

1. Chinese Gardens is located within Fort Worden State Park. The surrounding area to the east and north is used for passive recreation, such as walking and kite-flying. No swimming or boating is allowed in the lake.

2. The western and southern half of the lake is approximately 50% residential, including a small sheep farm on the southwest corner, and 50% municipal with Jefferson County Housing Authority and the Port Townsend Sewer System and Public Works offices located along the shoreline.

Public Access

Public access is provided to Chinese Gardens through trails from North Beach County Park and trails to and from Fort Worden State Park. A bench for viewing and historical information is provided.

Impairments

1. Historical drainage valves and dams for Chinese Truck Gardens.

2. Pipeline to marine waters for outflow on tide levels below MLLW.

3. Historical deforesting for military fort.

4. City stormwater collection from south, west and east city streets. Most of this stormwater is treated by bioswale and ponding with the exception of a culvert at the south end of the lake and overland from a pasture housing development to the south.

5. Shoreline hardening occurs along the face of the sewer treatment plant.

B. Kah Tai

The Kah Tai Lake Shoreline consists of the shoreline surrounding the Kah Tai depression. At one time Kah Tai Lake was connected with Port Townsend Bay. In the mid-1960's Kah Tai, previously an open coastal lagoon connected with Port Townsend Bay, was filled with Boat Haven dredge tailing to provide for boat storage areas, businesses, and parking. Today, Kah Tai consists of 15 acres of open water, 15 acres of wetland habitat, and 40 acres of upland habitat nestled within a natural area in the center of the City. Recently Ecology has concluded that the Kah Tai Lake Shoreline is a Category I wetland (Ecology 2004).

Land Use

1. Kah Tai basin is the second largest storm water drainage basin in the City. The basin

drains approximately 645 acres of medium to dense residential development from the south-central city area, including surrounding areas, the golf course and Discovery Road areas.

2. A tide gate in Kah Tai connects the lagoon to Port Townsend Bay inside the Port Boat Haven near the small haul-out facility. The Port of Port Townsend owns 20 acres of the Kah Tai park area. This includes approximately 1 acre of water and 19 acres of land in the southeast corner of the Park between the Washington Mutual Bank and the Kah Tai Care Center.

3. The City has a 30-year lease until 2012 with the Port to use this for recreational purposes. The park is surrounded by a parking lot to the southwest, Landes Street to the west, 19th Street to the north, a small bakery on the northeast corner, Kah Tai Center, to the east, Washington Mutual Bank to the southeast, Henery's Hardware, McDonald's and Safeway to the South. The water itself is surrounded by trails and vegetation.

Impairments

1. Artificial filling of much wider area
2. Marine dredge fill
3. Soil contamination from unknown sources
4. Loss of potential linkage to marine shorelines
5. Non-native plant invasives upland (i.e. Scot's Broom)
6. Heavily used trail within 10 feet of water's edge
7. Recovering vegetated buffer
8. Inner pond (smaller) designed as human access site to ducks with limited buffer
9. Tide gate connection.

Chapter 4
Master Program Elements:

Goals & Policies for the Port Townsend Shoreline Master Program

SECTIONS:

4.1 Introduction

4.2 Shoreline Use Element

4.3 Economic Development Element

4.4 Circulation Element

4.5 Public Access Element

4.6 Recreational Element

4.7 Conservation Element

4.8 Restoration and Adaptive Management Element

4.9 Historic, Cultural, Scientific and Educational Element

4.1 Introduction

This section contains goals that form the foundation of the Shoreline Master Program and apply to all areas of Port Townsend shoreline jurisdiction, regardless of the designated shoreline environment. The Shoreline Management Act requires cities to adopt goals, or “elements,” to guide and support major shoreline management issues RCW 90.58.100(2)

4.2 Shoreline Use Element

Purpose

As required by RCW90.58.100(2)(d), this section addresses the proposed general distribution and location and extent of uses on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.

Goal

To establish and implement policies and regulations for land uses that are consistent with the requirements of the Act, the Shoreline Guidelines, and the GMA, and which promote a mixture of reasonable and appropriate shoreline uses that enhance the City’s character, emphasize its connection with marine trades, foster its historic and cultural identity, protect environmental resources and achieve a net ecosystem improvement over time.

Policies

Policy 4.2.1 Maximize water-dependent and water-related industrial and commercial uses in the Port of Port Townsend Boat Haven shorelines.

Policy 4.2.2 Encourage marine trades and water-oriented uses within Point Hudson that are in keeping with the small-scale and historic character of the area and are compatible with surrounding areas.

Policy 4.2.3 Allow a limited range of non-water oriented uses within the downtown National Register Historic District as a means of promoting preservation/rehabilitation of historic buildings and revitalization of the district as a whole.

Policy 4.2.4 Protect existing shoreline and water views, promote public safety, and avoid adverse impacts to marine bluffs and nearshore habitat in designing new residential development.

Policy 4.2.5 Ensure public safety, enhance public access, and achieve no net loss of shoreline ecological functions by appropriately locating, designing, and operating all activities, development and redevelopment.

4.3 Economic Development Element

Purpose

As required by RCW90.58.100(2)(a), this section addresses the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

Goal

To foster a balanced, diversified and sustainable local economy that contributes to Port Townsend's high quality of life, through the protection and enhancement of the community's natural, historical, and cultural amenities, and the improvement of the financial well being of its residents.[1]

Policies

Policy 4.3.1 Support and maintain visitor services and maritime industries as significant components of the area economy.

Policy 4.3.2 Give priority to new shoreline commercial and industrial development that is water-dependent, water-related or which provides a significant public benefit in the form of restoration of ecological functions/enhancement of public access and/or revitalization of historic resources.

Policy 4.3.3 Support the expansion of passenger-only ferry services from Port Townsend to other Puget Sound urban areas as well as the San Juan Islands and Victoria, B.C., and cooperate with state and federal service from Port Townsend to these locations.[1]

[1] City of Port Townsend Comprehensive Plan – Transportation Element Policy 6.13

Policy 4.3.4 Strengthen the marine trades economy while protecting the natural environment and balancing public use of shoreline areas

a. Maintain and enhance Port Townsend's character as a working waterfront town by allowing marine-related commerce and industry in specified shoreline areas.

b. Assist the Port in the development and implementation of master plans for Port properties that are consistent with the Growth Management Act and the Shoreline Master Program.

c. Plan and design shoreline open spaces that are compatible with marine-related industrial and commercial uses of shoreline areas.

d. Promote the skill, motivation and availability of Port Townsend's marine trades workforce as a regional resource of major importance to the City's economic future.

e. Encourage governmental and civilian agencies to work with local firms to identify and transfer technology that can increase marine trade's competitiveness.

f. Encourage the creation of marine trades jobs that are dependent upon traditional skills, construction techniques, and materials, such as: sail and canvas accessory manufacture; spar and rigging construction; marine-oriented carpentry; construction of wooden boats; blacksmithing; and block-making and casting.

i. Support educational and vocational training efforts aimed at enhancing traditional marine trades skills, including mentorship and apprenticeship programs.

ii. Promote traditional marine trades enterprises on Port owned lands at both the Boat Haven and Point Hudson by working with the Port of Port Townsend.

g. Encourage development of the Northwest Maritime Center.

4.4 Circulation Element

Purpose

As required by 90.58.100(2)(d) RCW, this section addresses the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element.

Goal

To achieve safe, convenient non-motorized-friendly, and diversified circulation systems to provide public access to the shoreline, efficient movement of people and goods, with minimum disruption to the shoreline environment and minimum conflict among shoreline uses and between shoreline users and abutting upland areas.

Policies

Policy 4.4.1 Site non-water-dependent transportation and parking facilities as far upland from the shoreline as feasible to reduce interference with both

the shoreline ecology as well as other more appropriate shoreline uses.

Policy 4.4.2 Minimize impacts to the topography and other natural characteristics of the shoreline by appropriately locating transportation routes.

Policy 4.4.3 Provide and/or enhance physical and visual public access along shoreline public roads (i.e., turnouts, viewpoints and rest areas) where appropriate given topography, views and natural features.

Policy 4.4.4 Encourage the use of bicycles, shuttles and other alternative modes of transportation for general access to and from the waterfront.

4.5 Public Access Element

Purpose

This section makes provisions for public access to the shoreline as required by 90.58.100(2)(b) RCW.

Goal

To provide, maintain and enhance a safe, convenient, and balanced system of public access, both physical and visual: A system that increases the amount and diversity of opportunity for the public to enjoy the shorelines of the state, including access for people with disabilities to the extent feasible, while respecting the rights of private ownership; a system that is respectful of fragile natural features of the shorelines and strives to maintain the character of the community.

Policies

Policy 4.5.1 Incorporate building and landscape design standards to protect and enhance public access. Design standards should include but are not limited to height, bulk, scale, setbacks, signage, lighting and preservation of view corridors through modulation of building heights and massing. Encourage the use of native vegetation where landscaping is required.

Policy 4.5.2 Preserve and enhance shoreline access areas through acquisition, enhancement of shoreline street ends, signage of public access points, and designation and design of specific shoreline access areas for small vessels such as kayaks. Discourage privatization of public rights-of-way (i.e., street vacations).

Policy 4.5.3 Promote a coordinated system of connected pathways, sidewalks, passageways between buildings, beach walks, and shoreline access points that increase the amount and diversity of opportunities for walking and chances for personal discoveries.

Policy 4.5.4 Provide access for a range of users including pedestrians, cyclists, boaters and people with disabilities to the extent feasible.

Policy 4.5.5 Vary public access opportunities by providing a range from urban water walks to viewing platforms of natural areas.

Policy 4.5.6 Expand the amount and diversity of shoreline public access opportunities consistent with the character, functions and values of the shoreline, private property rights, and public safety.

Policy 4.5.7 Encourage plans by existing industries and public agencies occupying waterfront lands, including the Port of Port Townsend, Washington State Ferries, and Washington State Parks, to provide as much public accessibility to the water as practicable, consistent with public safety, homeland security concerns, and the protection of shoreline ecological functions.

Policy 4.5.8 Ensure that development, uses and activities on or near the shoreline do not impair or detract from the public's visual or physical access to the water consistent with constitutional and other legal limitations on the regulation of private property.

4.6 Recreational Element
Purpose

As required by 90.58.100(2)(c) RCW, this section provides for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

Goal

To develop and maintain appropriate public and private recreational opportunities that are compatible with adjacent uses and that minimize disruption and degradation of the shoreline environment, recognizing the importance of existing park, trail and recreation areas.

Policies

Policy 4.6.1 Increase opportunities for water-oriented recreation in coordination with Jefferson County, State Parks, and City of Port Townsend Parks Department.

Policy 4.6.2 Provide a balance of passive and active, recreational and open spaces.

Policy 4.6.3 Prohibit recreational facilities and activities that adversely affect the integrity and character of the shoreline, or which threaten fragile shoreline ecosystems and ecological functions.

Purpose

4.7 Conservation Element
This section addresses the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and fish and wildlife habitat as required by 90.58.100(2)(f) RCW.

Goal

To preserve shoreline natural resources including scenic vistas, aesthetics, estuaries, beaches,

shorelines, fragile ecological areas, fish and wildlife habitats, native vegetation and landforms, water and air.

Policies

Policy 4.7.1 Protect critical areas and shoreline ecological processes and functions through regulatory and non-regulatory means that may include acquisition of key properties, regulation of development, and incentives to encourage ecologically sound design.

Policy 4.7.2 Locate, design, construct, and operate development so as not to degrade water quality as measured by state water quality standards.

Policy 4.7.3 Mitigate all foreseeable environmental impacts and achieve, at a minimum, no net loss of shoreline ecological functions.

4.8 Restoration and Adaptive Management Element

Purpose

Consistent with the Shoreline Management Act's policy on protection and restoration of environmental resources of the shoreline, this section addresses the requirement to achieve "no net loss of ecological functions necessary to sustain shoreline natural resources" and to provide for the restoration of impaired ecological functions.

Goal

To achieve No Net Loss and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

Policies

Policy 4.8.1 Implement the Restoration Plan as described in Chapter 14 of this Master Program.

Policy 4.8.2 Encourage projects that restore/rehabilitate/enhance shoreline resources. Strategies may include but are not limited to a simplified permit process, reduced or waiver of permit fees, public outreach, encouraging landowners to replant with native vegetation, tax relief, and city participation in a pilot project.

Policy 4.8.3 Provide incentives to restoration by implementing tools which may include, but are not limited to: modifying the buffers that would apply to the restored areas or allowing a greater range of uses or flexible development standards (e.g., setbacks, height limits, lot coverage) on properties providing restoration and/or affected by restoration buffers.

Policy 4.8.4 Craft a preferential tax incentive in coordination with the County through the Public Benefit Rating System administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage

private landowners to preserve natural shoreline features for “open space” tax relief.

Policy 4.8.5 Employ Adaptive Management: Monitor and analyze the cumulative impacts of development permitted in shoreline areas, including development exempt from a shoreline Substantial Development Permit. Where impacts are occurring beyond that anticipated, the City should revise the Master Program to address the cumulative impacts, and/or revise the conditions of approval of developments to address the new information.

Policy 4.8.6 The City shall develop a “scorecard” as a tool to evaluate potential restoration projects consistent with the criteria listed in Chapter 14, Section 14.10 “Project Evaluation”.

4.9 Historic, Cultural, Scientific, and Educational Element

Purpose

For the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

Goal

To ensure the recognition, protection, and restoration of shoreline areas that have historical, cultural, educational, or scientific value to the community, and create a unique “sense of place” in the shoreline jurisdiction.

Policies

Policy 4.9.1 Foster greater appreciation for the importance of shoreline management, environmental conservation, and maritime history and activities by encouraging educational projects and programs.

Policy 4.9.2 Ensure that new development is compatible with existing historic structures and cultural areas, and that it promotes the creation of our own legacy for the future.

Policy 4.9.3 Encourage the rehabilitation, renovation, and adaptive reuse of upper floors of historic buildings (e.g., for artist studios, permanent housing, and office space), which will contribute to the vitality of the Historic Landmark District.

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[1] City of Port Townsend Comprehensive Plan - Economic Development Goals & Policies – Goal 1

Chapter 5
Shoreline Environments

SECTIONS:

5.1 Introduction

5.2 Authority

5.3 Shoreline Environment Designations

5.4 Official Shoreline Environments Designation Map

5.5 Shorelines of Statewide Significance

5.6 Aquatic

5.7 Natural

5.8 Conservancy

5.9 Shoreline Residential

5.10 Urban

5.11 Historic Waterfront

5.12 Boat Haven

5.13 Point Hudson

5.1 Introduction

The intent of designating shoreline environment is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given an environment designation based on existing development patterns, natural capabilities and limitations, and the aspirations of the local community.

Environment designations are categories that reflect the type of development that has, or should take place in a given area. The scheme of classifications represents a relative range of development, from high to low intensity land use, and targets types of development to specific areas. The environment classification scheme is intended to work in conjunction with local comprehensive planning and zoning.

Management policies are an integral part of the environment designations and are used for determining uses and activities that can be permitted in each environment. Specific development regulations specify how and where permitted development can take place within each shoreline environment. Development Regulations in this chapter generally govern use, height limits, and setbacks. Additional policies and development regulations are provided for specific situations, uses and developments in other chapters of this Master Program.

5.2 Authority

Local governments are required, under the Washington State Shoreline Management Act of 1971

through WAC 173-26, to develop and assign a land use categorization system for shoreline areas as a basis for effective Shoreline Master Programs. The state's Shoreline Master Program Guidelines describe the purpose of environment designations in WAC 173-26-191(1)(d):

Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the Shoreline Master Program prescribe different sets of environmental protection measures, allowable use provisions, and development Regulations for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation.

5.3 Shoreline Environment Designations

The Port Townsend classification system consists of eight shoreline environments that are consistent with, and implement the Washington State Shorelines Management Act (Chapter 90.58 RCW), the Shoreline Master Program Guidelines (Chapter 173-26 WAC), and the City of Port Townsend Comprehensive Plan. These environment designations have been assigned consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, the City of Port Townsend aims to assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines. The eight-shoreline environments are:

1. Aquatic
2. Natural
3. Conservancy
4. Shoreline Residential
5. Urban
6. Historic Waterfront
7. Boat Haven
8. Point Hudson

These shoreline environments are based on those provided in the state guidelines and include designation criteria and management policies that recognize the unique characteristics of Port Townsend and specific areas of the shoreline.

Parallel Environments

The City of Port Townsend employs parallel environments where shorelines contain steep bluffs or other physical or land use characteristics where a single environment would not be consistent with achieving the goals and policies for the shoreline. Parallel environments divide shorelands into

different sections generally running parallel to the shoreline. Such environments are useful, for example, to accommodate resource protection near the shoreline and existing development further from the shoreline.

5.4 Official Shoreline Environments Designation Map

Map Established

The location and extent of areas under the jurisdiction of this Master Program, and the boundaries of the various shoreline environments affecting the lands and waters of the City shall be as shown on the map, entitled, “Official Shoreline Environments Designation Map, City of Port Townsend, Washington.” The official shoreline map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this Master Program, just as if such information set forth on the map were fully described and set forth herein.

File Copies

The official shoreline map shall be kept on file in the office of the City of Port Townsend Long Range Planning Division, the Washington State Department of Ecology, and the Washington State Code reviser. Unofficial copies of the map may be prepared for administrative purposes. To facilitate use of this Master Program an “unofficial copy” has been attached as Appendix A.

Map Amendments

The designation map is an integral part of this Master Program and may not be amended except upon approval by the City and the Washington State Department of Ecology, as provided under the Shoreline Management Act.

Boundary Interpretation

Where uncertainty or conflict may occur in the exact location of a jurisdictional or shoreline designation boundary line, the Shoreline Administrator shall rely upon the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map. In the event that new shoreline areas are discovered (e.g., associated wetlands) that are not mapped and/or designated on the official shoreline map, these areas are automatically assigned a natural designation if they include critical areas, or, if no critical areas, a conservancy designation until the shoreline can be redesignated through an SMP amendment.

5.5 Shorelines of Statewide Significance

Introduction

The Shoreline Management Act designates certain shoreline areas as “shorelines of statewide significance.” The state puts added emphasis on these areas to ensure that they are protected for the long-term interests of the people of the state.

The Shoreline Management Act states that the interests of all of the people of the state shall be paramount in the management of shorelines of statewide significance.

Areas Designated

Within the Port Townsend shoreline jurisdiction, the waters of Puget Sound and Strait of Juan de Fuca lying seaward from the line of extreme low tide are designated as shorelines of statewide significance.

Management Policies

Policy 5.5.1 Recognize the order of use preferences established by the Shoreline Management Act in formulating and implementing this Master Program and any amendments affecting shorelines of statewide significance. This Master Program gives preference to uses, in the following order of preference, that:

a. *Recognize and protect the statewide interest over local interest.* The City will consult with applicable state agencies, affected Indian tribes, and statewide interest groups on proposed actions affecting shorelines of statewide significance.

b. *Preserve the natural character of the shoreline.* Shoreline environment designations and use regulations should direct higher intensity uses away from functionally intact shorelines.

c. *Result in long-term over short-term benefit.* The benefits of new development should be evaluated in light of the long-term impacts on shoreline resources and aesthetics.

d. *Protect the resources and ecology of the shoreline.*

e. *Increase public access to publicly owned areas of the shoreline.* Given that all of Port Townsend's shorelines of statewide significance lie seaward of the line of extreme low tide, public access for shorelines of statewide significance pertains to aesthetics and access for recreational uses such as boating and scuba diving.

f. *Increase recreational opportunities for the public on the shoreline.*

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

Policy 5.5.2 In addition to the provisions of this section, all proposed developments and activities within shorelines of statewide significance shall comply with Section 5.6 Aquatic and all other appropriate provisions of this Master Program.

5.6 Aquatic

In addition to the aquatic policies and regulations set forth below, proposals involving areas seaward of extreme low tide must comply with the policies for Shorelines of Statewide Significance (Section 5.5 above).

The development patterns of Port Townsend's historic downtown were predicated on the orientation of buildings located along the shoreline towards Water Street. The absence of adequate access to the rear of these buildings is evidenced by the loading/unloading of commercial deliveries from the center of Water Street. This lack of rear access also hinders the adaptive reuse of historic

buildings. Modern building codes require two points of egress for life-safety for most uses. Discharging building occupants to an intertidal area (i.e., beach) does not satisfy the second point of egress requirements of the codes.

The City is committed to maintaining the continued viability of historic buildings along the shoreline. The establishment of an over-water walkway or multiple walkways that allow for emergency egress is a key component towards maintaining this viability. In addition, the establishment of these walkways may, in appropriate circumstances, provide an added benefit by enhancing opportunities for public access.

Purpose

The purpose of the Aquatic designation is to protect, restore and enhance the unique characteristics and resources of marine waters, including habitat, ecology, navigation and public enjoyment. Recognizing the unique and fragile nature of the aquatic environment, those limited uses that are allowed will typically require a conditional use permit.

Designation Criteria

The Aquatic environment designation is the area located waterward of the ordinary high- water mark, excluding those waters encompassed within marinas, Chinese Gardens or Kah Tai Lagoon. An Aquatic environment designation should be assigned to marine waters and shorelands waterward of the ordinary high-water mark, provided that water bodies used as commercial marinas may be designated Boat Haven Marine Trades or Point Hudson Marina, and that the largely undeveloped open water areas of Chinese Gardens and Kah Tai Lagoon should be designated Natural. The Aquatic environment includes the water surface together with the underlying lands and the water column of such areas.

Areas Designated

Description

The Aquatic designation includes areas waterward of the ordinary high water mark, except for Boat Haven Marina, Point Hudson Marina, Chinese Gardens or Kah Tai Lagoon.

Rationale

The Aquatic shoreline environment allows specific control over potential in-water uses and developments.

Management Policies

Uses

Policy 5.6.1 Limit uses and activities within the Aquatic environment, with few exceptions, to water-dependent uses and public access/recreational improvements designed to provide access to the shoreline for a substantial number of people.

Policy 5.6.2 Permit water-enjoyment uses a) in existing over-water buildings

along the Port Townsend historic waterfront or b) as part of a mixed use on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

New Over-water Structures

Policy 5.6.3 Allow new over-water structures only for water-dependent uses, restoration projects, public access, or emergency egress and only on Port Townsend's southern shoreline (i.e., Port Townsend Bay). New over-water structures must show significant public benefits. Pursuant to this policy, upper-story balconies or cantilevered decks may be permitted for the purpose of dedicated public access if attached to an existing legally established building, provided that ecological functions are not impacted.

Policy 5.6.4 Limit the size of new over-water structures and encourage multiple-use as a means of reducing impacts of shoreline development and increasing effective use of water resources.

Reuse of Historic Over-water Structures

Policy 5.6.5 Permit minor expansions of existing historic over-water structures when necessary to provide public access, to facilitate environmental restoration, or to meet building safety codes.

Policy 5.6.6 Refurbish or rebuild existing piers and wharves along Port Townsend Bay to maintain a modern-day link with the community's maritime history.

Policy 5.6.7 Develop, in coordination with the Port of Port Townsend, a moorage float and dock facility for passenger ferries and other seasonal commercial tour vessels at the Quincy Street dock

Design Elements

Policy 5.6.8 All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to be compatible with adjacent aquatic and upland uses, and to consider impacts to public view.

Environmental Protection

Policy 5.6.9 Shoreline uses and modifications within the Aquatic environment should be designed and managed consistent with the Environmental Protection policies and regulations of Chapter 6 including but not limited to preservation of water quality, habitat (such as eelgrass, kelp, forage fish spawning beaches, etc.), natural hydrographic conditions, and safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Policy Remove abandoned over-water structures when they no longer serve

5.6.10 their permitted use unless:

a. Retaining such structures provides a net environmental benefit, for example, artificial reef effect of concrete anchors; or

b. Such structures can be reused in a manner that helps maintain the character of the City's historic waterfront; or

c. Removing such structures would have substantial potential to release harmful substances into the waterways despite use of reasonable precautions.

Development Regulations

Uses

DR-5.6.1 The following uses are prohibited in the Aquatic environment:

a. Non-water-dependent Industrial and Port Facilities

b. Mining, Drilling

c. Parking (with the exception of "holding" areas associated with public ferries. See DR 5.6.2 below.)

d. Non-water oriented uses.

DR-5.6.2 The following uses are permitted:

a. Aquaculture as specified in Chapter 8, Section 8.4

b. Ecological restoration and scientific research approved by agencies with jurisdiction, including but not limited to, aquaculture associated with a native species restoration.

c. Accessory utilities.

d. Water-dependent uses (e.g., recreational, moorage) that are neither prohibited by the adjoining upland environmental designation nor associated with over-water structures. (For uses involving over-water structures see "New over-water structures" and "Reuse of Historic Over- Water Structures" below).

DR-5.6.3 The following uses may be allowed as a conditional use:

a. Expansion of existing marinas as specified in Chapter 8, Section 8.8.

DR-5.6.4 Additional allowed, conditional and prohibited uses for the Aquatic shoreline environment are listed in Table 5 at the end of the Chapter.

b. Utilities – Primary utilities.

c. Vehicle" holding" areas associated with public ferries.

d. Water-oriented, low to moderate intensity, recreational uses which are permitted within the adjoining upland.

New Over-water Structures

DR-5.6.5 The following new over-water structures may be permitted provided that the applicant can demonstrate that mitigation has been incorporated to achieve no net loss of shoreline ecological functions necessary to sustain shoreline resources:

a. Interconnected walkways that facilitate a second point of egress to achieve life/safety code compliance to facilitate adaptive reuse of shoreline buildings in the Historic Waterfront District shall be permitted in cases where no feasible alternative exists. Although the primary purpose of these walkways shall be to facilitate emergency egress, opportunities for their use to enhance public access along the shoreline shall be evaluated and where appropriate, permitted as a conditional use if dedicated public access is provided. Elevated walkways and decks shall not inhibit public access to or use of the beach unless no other alternative exists for meeting life/safety codes.

b. Cantilevered decks and balconies may be permitted for the purpose of dedicated public access on upper floors of buildings legally established prior to adoption of this 2007 Master Program, provided that the applicant can demonstrate that the proposed improvements will not adversely impact public use of the shoreline or the ecological functions, values, and resources of the shoreline.

DR-5.6.6 The following new over-water structures shall require a conditional use permit:

a. Water-dependent uses adjacent to the south-shore provided said use is permitted within the adjoining upland environmental designation;

b. Structures required as part of an approved ecological restoration project;

c. Public access structures designed to take advantage of the unique resources of the shoreline adjacent to the Historic Waterfront environment; or

d. Ferry holding area for public ferry system.

DR-5.6.7 The over-water footprint shall be designed and located to reduce associated environmental impacts. Strategies may include limiting the size of the footprint to that necessary to support the structure's intended use and/or extending the structure waterward to avoid shading of critical habitat.

DR-5.6.8 Limiting the extent of over-water coverage and ecological impacts

shall be the first priority in design of over-water facilities. In an effort to minimize the number of over-water structures, designs which accommodate multiple use of an area (e.g. ferry loading or other water dependent use by day, public access at night) shall be encouraged.

Reuse of Historic Over-water Structures

The Shoreline Management Act and the City of Port Townsend Comprehensive Plan encourage adaptive reuse of historically significant structures. Several such structures exist along the City's downtown National Historic Landmark. These structures include both traditional over-water structures (e.g., piers, wharves), and several buildings (e.g., the Cannery and Admiralty Apartments). The two types of structures are regulated differently under WAC 173-26 and by this Master Program as set forth below:

DR-5.6.9 Subject to a Conditional Use Permit, the following uses may be permitted on historic over-water structures and may include new buildings:

a. Water-dependent uses adjacent to the south-shore, provided said use is permitted within the adjoining upland environment designation;

b. Structures required as part of an approved ecological restoration project;

c. Public access uses designed to take advantage of the unique resources of the shoreline adjacent to the Historic Waterfront environment; or

d. Water-related and water-enjoyment uses if part of a mixed-use development that includes a water-dependent use and when conducted in an existing over-water building, provided such uses are auxiliary to and in support of a water-dependent use where the minimum size requirements of the water-dependent use are met.

DR-5.6.10 To promote preservation of historic buildings, water-related and water-enjoyment uses open to the general public may be permitted as a conditional use in existing or redeveloped historic over-water buildings provided the following conditions are met:

a. The building is documented on the City's local historic register as a contributing structure.

b. Any proposed commercial uses must be designed to provide for the public's interaction and enjoyment of the shoreline, be open to the general public and be consistent with the performance standards of the Historic Waterfront shoreline.

Design Elements for all over-water structures

DR-5.6.11 All structures that could interfere with navigation shall be marked in accordance with the Coast Guard Private Aids to Navigation.

DR-5.6.12 Aquatic developments shall not be approved in narrow channels, shipping lanes, or in other areas where they are a significant hazard

to navigation.

DR-5.6.13 Structures placed in the Aquatic designation shall blend into the surroundings to the greatest extent feasible utilizing appropriate color(s), texture, non-reflective materials, and other design characteristics.

DR-5.6.14 New over-water structures and exterior modifications to existing over-water structures adjacent to the Historic Waterfront District are subject to Historic District Design Review pursuant to Chapter 17.30 PTMC.

DR-5.6.15 Passage for low profile, non-motorized boats (e.g., rowing skiffs, kayaks) shall be provided beneath the structure where feasible, given safety and security issues.

DR-5.6.16 The maximum level for noise generated in the Aquatic designation shall be 50 dBA at a distance of 100 feet. This standard shall not apply to vessels that are under way. All feasible methods shall be employed to minimize over-water noise generation.

Additional Design Elements for Redevelopment

DR-5.6.17 Where new buildings are proposed on historic over-water structures, at least one- third of the over-water structure, including a perimeter walkway, shall be dedicated for public access and enjoyment of the shoreline.

DR-5.6.18 Whenever redevelopment is proposed, the redeveloped structure shall reduce associated environmental impacts. The historic footprint may be altered provided that the revised footprint reduces associated environmental impacts (e.g., a reduced footprint, a design incorporating grates to allow light to penetrate, or even extension of the dock – as was the case with redevelopment of the Northwest Maritime Center dock where the extended footprint actually reduced impacts to eelgrass beds when compared with the historic footprint). Minor expansion of existing over-water structures may be permitted when necessary to provide public access where it is currently lacking, for environmental restoration, to preserve historic elements of the structure, or to meet building safety codes.

DR-5.6.19 The redevelopment will provide physical public access to and over the water consistent with the provisions of Chapter 7, Public Access, of this Master Program.

(See also, Chapter 11, Sections 11.2-11.4, Non-Conforming Uses, Structures, and Lots).

Conditions of Approval

DR-5.6.20 Approval of new over-water structures shall include a condition that

structures, equipment, and materials shall be removed as soon as practicable upon the cessation of a project's operation or a structure's useful life. Any structure that is damaged or breaks away in the water shall be repaired or removed by the permittee as soon as practicable. Permittees who anticipate a temporary interruption of the use of a facility or structure may be allowed to keep it in its permitted location provided they notify and receive written concurrence from the City of Port Townsend Development Services Department. Any structure not utilized for over one (1) year shall be removed by the owner regardless of future anticipated use unless prior permission has been granted by the City's Shoreline Administrator upon showing of good cause (e.g., environmental benefit, potential for reuse consistent with historic character, removal may result in environmental degradation).

DR-5.6.21 The City may require a security bond for developments in the Aquatic designation suitable to guarantee the removal of all structures, equipment, and materials, for developments and activities that are anticipated to cease operation in less than five years from date of approval. The City may require security beyond that required by the state if it is determined that state requirements are not adequate to secure removal of structures.

DR-5.6.22 Permittees shall be liable for all damages to public and private property resulting from their activities and development within the Aquatic designation. The City may require liability insurance beyond that required by the State if it is determined that state requirements are not adequate to cover damages.

Height Limits

DR-5.6.23 No new or expanded structure shall exceed a building height of 18 feet, 6 inches above the deck surface consistent with the existing Union Wharf building, except height limits shall not apply to flagpoles, antennas, and functional components of water-dependent uses (e.g., overhead walkways for ferry operations, booms for haul-out facilities), that may exceed the height limit when necessary to perform their intended functions.

5.7 Natural
Purpose

The purpose of the Natural Designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Uses envisioned within this designation are limited to those recreational/educational uses that are in keeping with the primary goal of environmental protection. Consistent with the policies of the designation, the Shoreline Master

Program should include planning for restoration of degraded shorelines within this environment.

Designation Criteria

The Natural Designation includes those areas that require very low intensity uses in order to maintain the ecological functions and ecosystem-wide processes. A Natural Designation should be considered for shoreline areas if any of the following characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest;

3. The shoreline is unable to support new development or uses without significant adverse impact to ecological functions or risk to human safety; or

4. The shoreline is in public ownership and has been identified as a restoration opportunity in Chapter 14, Shoreline Restoration, and is intended to remain free of development.

Such shoreline areas include largely undisturbed portions of shoreline areas such as lakes, wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. Recognizing that there is continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development.

Areas Designated

Description

The Natural designation includes:

Marine bluffs (slopes greater than 40%) adjacent to the beach; and the open water portions and the surrounding city/county/state owned lands of Chinese Gardens and Kah Tai Lagoon.

Rationale

These areas are wetlands, water bodies and steep slopes in Port Townsend that remain in a relatively natural state and perform important ecological functions. It is recognized, however, that both Chinese Gardens and Kah Tai Lagoon also serve as receiving water bodies for stormwater from upland areas within their respective basins.

Management Policies

Uses

Policy 5.7.1 Encourage uses that are in keeping with the primary goal of environmental protection. To the extent feasible, new uses and activities should be limited to restoration projects and public access or recreational/educational uses.

Policy 5.7.2 Preserve and enhance ecological functions of the area by appropriately designing permitted uses.

Policy 5.7.3 Allow the following uses in the Natural Designation:

a. Where necessary to avoid violation of constitutional or statutory limitations on regulation of private property, single-family residential development may be allowed on existing platted lots as a conditional use provided that the density and design of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

b. Scientific, historical, cultural, educational research uses, public access and low-intensity water-oriented recreational access uses provided that no significant ecological impact on the area will result.

c. Maintenance and upgrades of existing public facilities (e.g., sewer outfall at North Beach, road improvements including addition of sidewalks) where no feasible alternative exists.

Policy 5.7.4 *Sub-divisions*: Protect natural vegetation and shoreline ecological functions by prohibiting the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel should be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

Development Regulations

Uses

DR-5.7.1 The following are prohibited in the Natural Designation unless allowed under DR–5.7.2 or DR-5.7.3 below:

a. Agriculture;

b. Aquaculture developments and mechanized harvest practices unless otherwise permitted by this section;

c. Commercial uses;

d. Development that would substantially degrade ecological functions or the natural character of the shoreline (e.g., armoring of the shoreline that would interrupt habitat forming processes taking place within drift cells.)

e. Industrial and port facilities;

f. Over-water structures;

g. Private stairs/trams/docks/piers and floats are prohibited, while public facilities may be permitted;

h. Residential uses except where necessary to avoid a violation of constitutional or statutory limitations on the regulation of private property.

i. Recreational uses of high or moderate intensity of any kind (i.e., water-oriented or non-water oriented)

j. Roads, utility corridors, and parking areas that can be located outside of natural-designated shorelines;

k. Subdivisions. The subdivision of property to support development of additional residential, commercial or industrial uses, or that would require significant vegetation removal or shoreline modification within the Natural Designation (i.e., subdivisions lying partially within the Natural Designation must ensure that uses and modifications proposed within the Natural Designation are consistent with this section and that the overall subdivision results in no net loss of ecological functions).

DR-5.7.2 Uses that result in restoration of ecological functions and/or fish and wildlife habitat are encouraged if the use is otherwise compatible with the character of the area. This may include in-water restoration/habitat enhancement projects.

DR-5.7.3 The following uses may be allowed on the upland areas:

a. Development of one residential dwelling unit may be allowed as a conditional use on existing platted lots within the Natural Designation to prevent denying all reasonable use of a parcel in violation of constitutional or statutory requirements and only if the intensity of such use is limited as necessary to protect ecological functions;

b. Ecological restoration/habitat enhancement including aquaculture or dredging associated thereto;

c. Low-impact recreational and public access improvements (e.g., footpath and viewing platforms and benches), scientific, historical, cultural, educational research uses, and upland, low intensity water-oriented recreational uses (i.e., watercraft are not permitted) may be allowed provided that no significant ecological impact on the area will result;

d. Scientific, cultural, and educational facilities including interpretive signage provided that no significant ecological impact on the area will result;

e. Maintenance and upgrades of existing public facilities (e.g., sewer outfall at North Beach, road improvements including addition of sidewalks) where no feasible alternative

exists;

f. Roads and associated facilities, utility corridors, and parking areas that, per the determination of the Shorelines Administrator, cannot be located outside of Natural-designated shorelines may be permitted as a conditional use;

g. Additional allowed, conditional and prohibited uses for the Natural Designation are listed in Table 5 at the end of this Chapter.

Height Limitations

DR-5.7.4 No new or expanded building or structure shall exceed a building height of twenty-five (25) feet.

Setbacks

DR-5.7.5 Unless otherwise specified herein, permanent structures, storage, and hard surfaces shall be set back a minimum of two hundred (200) feet from the ordinary high water mark. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.

a. To prevent denying all use of a parcel in violation of constitutional or statutory requirements, a single residential dwelling may be allowed within the setback, provided that placement of structures, storage, and hard surfaces shall be limited to the minimum necessary to allow for reasonable use of the property and impacts to wetlands and habitat functions are mitigated.

b. Development associated with public access, scientific, historical, cultural, educational research, and low intensity water-oriented recreational uses and ecological restoration/habitat enhancement are not required to meet the two hundred (200) foot setback. However, where such development can be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.

c. Development of roads, utility corridors, and parking areas that cannot be located outside of Natural-designated shorelines are not required to meet the two hundred (200) foot setback. However, where such improvements can be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.

d. In addition to the required 200-foot setback for structures, critical areas buffers may also apply (See Chapter 6), the setback/buffer that provides greater protection to the critical area takes precedence. Furthermore, activities that are permitted within the 200-foot setback (e.g., landscaping, trail development, public utilities upgrades) must comply with the critical area regulations in Chapter 6.

DR-5.7.6 Deviations from the required setback shall be reviewed on an individual basis. A request for a deviation shall be considered a

variance following the procedures established under Subsection 10.7 and will be subject to the variance review criteria established under Subsection 10.7.4 of this Master Program. Unless appealed, a setback deviation rendered by the City shall be considered final.

Design Elements

DR-5.7.7 For all residential development within shorelines jurisdiction, the maximum total percentage of lot area that can be covered by impervious surfaces (including parking areas but excluding required right-of-way improvements) shall be limited to 20% of the actual land area. In no case shall total impervious area exceed 5,000 square feet for any one single- family detached dwelling and accessory structures (i.e., when a single-family home is proposed over multiple lots the total impervious area must not exceed 5,000 square feet)[1]. Areas waterward of the Ordinary High Water Mark and areas of marine bluffs, steep slopes, and wetlands shall not be included to calculate land area. For example, only the buildable area landward of the marine bluff edge shall be used in the calculation.
The shoreline administrator may grant a waiver, limited to the maximum lot coverage requirements under Title 17 PTMC, when the impervious surface limits would deny all reasonable use of a parcel in violation of constitutional or statutory requirements.

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[1] The 5,000 square foot cap applies in a case where a single-family residence is proposed over multiple lots. If the cap is applied to “a lot”, it limits placement of the impervious surfaces rather than total area. If the cap applies to “a single-family residence”, it limits the total square footage for any single ownership. Note that this cap discourages large residential estates.

DR-5.7.8 Within the Natural Designation, removal of vegetation and topsoil is strictly regulated under the Clearing, Grading and Vegetation Management Provisions of Chapter 9.

5.8 Conservancy
Purpose

The Conservancy Designation is intended to protect and restore the public benefits and ecological functions of open space, natural areas and other sensitive lands (e.g., valuable historic, educational, or scientific research areas, areas of high scenic value.) where they exist within the City, while allowing a variety of compatible uses. It is the most suitable designation for shoreline areas that possess a specific resource or value that can be protected without excluding or severely restricting all other uses. It should be applied to those areas that would most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development or resource use.

Permitted uses may include recreational, cultural and historic uses provided these activities are in

keeping with the goals of protection and restoration as stated herein.

Designation Criteria

The Conservancy Designation consists of valuable natural, cultural, or historical resources or environmental conditions that should be protected, conserved, and managed so that those resources and areas remain available for the benefit of the public.

Consider assigning the Conservancy Designation to appropriate shoreline areas, that is, those planned for development that are compatible with maintaining or restoring of the ecological functions of the area, and that are generally not suitable for water-dependent uses, if any of the following characteristics apply:

a. They are suitable for water-related or water-enjoyment uses;

b. They are open space, floodplain or other sensitive areas that should not be more intensively developed;

c. They have potential for ecological restoration;

d. They retain important ecological functions, even though partially developed; or

e. They have the potential for development that is compatible with ecological restoration.

Areas Designated

Description

The Conservancy Designation includes:

a. The southern shoreline of Kah Tai Lagoon,

b. Areas landward of the ordinary high water mark in Fort Worden State Park, and in areas of Jefferson County North Beach Park that are not marine bluffs; and

c. Areas landward of the ordinary high water mark along the Larry Scott Memorial Trail that are not marine bluffs.

Rationale

These areas are preserved areas of open space that support outdoor recreational uses. Their lack of intense development affords the opportunity for ecological restoration. They also include cultural and historic resources that should be preserved for continued public access.

Management Policies

Uses

Protect shoreline functions and resources by limiting, to the extent feasible, new uses and activities in the Conservancy Designation to recreational, cultural and historic uses located and designed to avoid shoreline impacts.

Policy 5.8.1 Ensure the preservation of scenic and non-renewable natural resources and the conservation of renewable resources for the benefit of existing and future generations, by limiting permitted uses and assuring that they are located and designed appropriately.

Policy 5.8.2 Encourage the following uses:

a. Uses that preserve the natural character of the area or promote preservation of open space, culturally or historically significant sites, or sensitive lands, either directly or over the long term.

b. Uses that result in restoration of ecological functions if the use is otherwise compatible with the character of the area.

Policy 5.8.3 Give priority to water-oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses that cannot be reasonably located in other environments (such as radar installations) should be given highest priority.

Policy 5.8.4 Establish best management standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Conservancy Designation to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

Policy 5.8.5 Subdivisions - Protect natural vegetation and shoreline ecological functions by prohibiting the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel should be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

Development Regulations

Uses

DR-5.8.1 The following are prohibited in the Conservancy Designation unless allowed under DR-5.8.2 or 5.8.3, below:

a. Agriculture;

b. Commercial uses;

c. Development that would reduce the capability of vegetation to perform normal ecological functions;

d. Industrial and port facilities;

e. Residential uses except where necessary to avoid violation of constitutional or statutory limitations on the regulation of private property;

f. Non-water oriented recreation;

g. Recreational uses of high intensity;

h. Roads, utility corridors, and parking areas that can be located outside of Conservancy-designated shorelines;

i. The subdivision of property to support additional residential, commercial or industrial uses that would require significant vegetation removal or shoreline modification within the Conservancy Designation (i.e., subdivisions lying partially within the Conservancy Designation must ensure that uses and modifications proposed within the Conservancy Designation are consistent with this section and that the overall subdivision results in no net loss of ecological functions).

DR-5.8.2 Uses that result in restoration of ecological functions and/or enhance fish and wildlife habitat are encouraged if the use is otherwise compatible with the character of the area.

DR-5.8.3 The following uses may be allowed:

a. Scientific, historical, cultural, educational research uses, public access and low-moderate intensity water oriented recreational access uses provided that no significant ecological impact on the area will result;

b. Point Wilson Lighthouse, a historic landmark structure, and its existing associated structures may be used by Washington State Parks or a non-profit organization for transient accommodations as a permitted use;

c. Development of one residential dwelling unit may be allowed as a conditional use on existing platted lots within the Conservancy Designation to prevent denying all reasonable use of a parcel in violation of constitutional or statutory requirements and only if the intensity of such use is limited as necessary to protect ecological functions;

d. Roads and utility extensions, maintenance and upgrades where no feasible alternative exists may be permitted as a conditional use;

e. Additional allowed, conditional and prohibited uses for the Conservancy-designated shoreline environment are listed in Table 5 at the end of this Chapter.

Height Limit

DR-5.8.4 No new or expanded building or structure shall exceed a building height of thirty (30) feet.

Setbacks

DR-5.8.5 Unless otherwise specified herein, permanent structures, storage, and hard surfaces shall be set back a minimum of two hundred (200) feet from the ordinary high water mark. Setbacks are measured

landward, on a horizontal plane, perpendicular to the shoreline.

a. To prevent denying all reasonable use of a parcel in violation of constitutional or statutory requirements, a single residential dwelling may be allowed within the setback, provided that placement of structures, storage, and hard surfaces shall be limited to the minimum necessary to allow for reasonable use of the property and impacts to wetlands and habitat functions are mitigated.

b. Developments associated with public access, scientific, historical, cultural, educational research, low-moderate intensity water- oriented recreational uses and ecological restoration/habitat enhancement are not required to meet the two hundred (200) foot setback. However, where such development may be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.

c. Development of roads, utility corridors, and parking areas that cannot, per the determination of the Shorelines Administrator, be located outside of Conservancy-designated shorelines are not required to meet the two hundred (200) foot setback. However, where such improvements may be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.

DR-5.8.6 Deviations from the required setback shall be reviewed on an individual basis. Requests for deviations shall be considered a variance following the procedures established under Subsection 10.7 and will be subject to the variance review criteria established under Subsection 10.7.4 of this Master Program. Unless appealed, a setback deviation rendered by the City shall be considered final.

DR-5.8.7 Within the Conservancy Designation, removal of vegetation and topsoil is strictly regulated under the Clearing, Grading and Vegetation Management Provisions of Chapter 9.

Design Elements

DR-5.8.8 For all residential development within shorelines jurisdiction, the area of impervious surfaces (including parking areas but excluding required right- of-way improvements) to be developed within shorelines jurisdiction shall be limited by the slope of the lot as specified in the following table. In no case shall total impervious area exceed 5,000 square feet for any one single-family detached dwelling and accessory structures (i.e., when a single-family home is proposed over multiple lots, the total impervious area must not exceed 5,000 square feet)1.

Slope	**Impervious limit (expressed as a percentage of actual**

	land area)
15% or less	30%
15-30	25%
Greater than 30%	20%

Areas waterward of the Ordinary High Water Mark and areas of marine bluffs, steep slopes, and wetlands shall not be included to calculate land area. For example, only the buildable area landward of the marine bluff edge shall be used in the calculation.

The shoreline administrator may grant a waiver, limited to the maximum lot coverage requirements under Title 17 PTMC, when the impervious surface limits would deny all reasonable use of a parcel in violation of constitutional or statutory requirements.

5.9 Shoreline Residential
Purpose

The purpose of the Shoreline Residential Designation is to accommodate residential development and associated structures that are consistent with the Shoreline Management Act (SMA) and the protection and restoration of ecological functions. An additional purpose is to provide appropriate public access and recreational uses.

Designation Criteria

The Shoreline Residential Designation is an area of low and moderate intensity residential land that maintains significant natural features. The Shoreline Residential Designation is appropriate for shoreline areas that are planned and platted for residential development. Where the Shoreline Residential Designation is adjacent to a marine bluff, the Shoreline Residential Designation is that area landward of the top of the bluff. Where no significant bluff exists (i.e., bluffs with a vertical height of ten feet or less), the Shoreline Residential Designation extends to the ordinary high water mark. Appropriate infrastructure either exists within these areas or is planned to be extended for the purpose of serving residential development.

Areas Designated

Description

The Shoreline Residential designation includes:

a. Areas zoned residential within 200-feet of the ordinary high water mark of marine waters, Kah Tai and Chinese Gardens lagoons; and

b. For bluff top properties, residential lands lying landward of significant bluffs (i.e., bluffs with a vertical height of ten feet or greater).

Rationale

These areas are privately owned lands zoned for residential development and have become established as residential neighborhoods. Infrastructure either exists or is planned to extend to these areas for the purpose of serving residential development. A key characteristic of these areas

is their relationship and orientation to the shoreline.

Management Policies

Uses

Policy-5.9.1 Allow residential uses as the primary allowed uses in the Shoreline Residential Designation.

Policy-5.9.2 Allow limited non-residential uses, such as community clubhouse, day care, home occupation businesses, churches, and bed and breakfasts, may be allowed, provided they are consistent with the residential character.

Policy-5.9.3 Implement public access, public education (e.g., interpretive signs), and public recreation objectives whenever feasible while ensuring that significant ecological impacts can be mitigated and private property rights reserved.

Policy-5.9.4 Encourage protection/restoration of ecological functions through proactive public education and stewardship programs.

Design Elements

Policy-5.9.5 Allow development only in those areas where impacts and hazards to or caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.

Policy-5.9.6 Minimize impacts to bluffs by requiring shoreline development to implement appropriate stormwater techniques.

Policy-5.9.7 Protect public vista points and views enjoyed by a substantial number of occupied residences by ensuring that new development is sensitively located and designed. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

Policy-5.9.8 Provide for public access and joint-use of recreational facilities when permitting multi-lot developments (i.e., four or more), multi-family residential, cottage developments and recreational facilities.

Policy-5.9.9 Provide adequate access, utilities, and public services to serve existing needs and/or planned future development.

Development Regulations

Uses:

DR-5.9.1 The following are prohibited in the Shoreline Residential Designation:

a. Aquaculture unless associated with an approved restoration project;

b. Industrial uses;

c. Commercial uses as a primary use (commercial uses that are incidental to the primary residential use and are compatible with the residential character of the neighborhood, such as home occupations and bed and breakfast inns, may be permitted); and

d. Private stairs/trams/docks/piers and floats are prohibited while public facilities may be permitted.

DR-5.9.2 The following uses are permitted in this designation:

a. Residential development and common appurtenances;

b. Agriculture, only as permitted by the underlying residential zoning;

c. Water-oriented recreational uses of low-moderate intensity;

d. Public access facilities; and

e. Restoration and habitat enhancement.

DR-5.9.3 Limited non-residential uses, such as community clubhouse, day cares, home occupation businesses, churches, and bed and breakfasts may be allowed, provided they are consistent with the residential character and the underlying zoning (i.e., if the underlying zoning requires a conditional use, the proposal shall be subject to the conditional use criteria of Chapter 17.84 PTMC).

DR-5.9.4 Additional allowed, conditional and prohibited uses for the Shoreline Residential Designation are listed in Table 5 “Shoreline Permitted, Conditional, and Prohibited Uses and Developments” at the end of this Chapter.

Height Limitations

DR-5.9.5 No new or expanded building or structure shall exceed a building height of thirty (30) feet, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, private residential wind- powered generators, and similar appurtenances.

DR-5.9.6 Fill shall not be used as a means to increase the allowable height.

Setbacks

Setbacks from shoreline bluffs are subject to shoreline setbacks from the Ordinary High Water Mark (OHWM) and to critical areas buffers from marine bluffs (Chapter 6, Environmental Protection). Why? Because the two have very different purposes. Shorelines setbacks protect views, while critical areas buffers are intended to reduce the potential for personal injury, loss of life

or property damage and degradation of habitat. The greater of the two takes precedence. An additional distinction is that, landscaping, patios, and other at grade improvements are permitted within a setback whereas a buffer is to remain untouched.

DR-5.9.7 Shoreline Setback: Unless otherwise excepted under DR-5.9.8 or DR-5.9.10, permanent buildings and structures including common appurtenant structures such as garages, decks over 30 inches above grade, and workshops, shall be set back a minimum of fifty- (50) feet from the ordinary high water mark. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline. Provided that the setback may be further increased to retain a 15-foot setback from a critical areas buffer associated with the presence of a wetland, geologically hazardous area, or critical fish and wildlife habitat area. Critical areas buffers are established in Chapter 6 Environmental Protection.

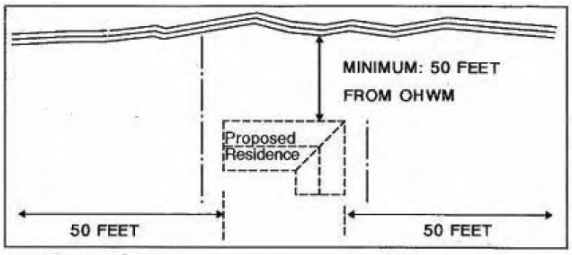


FIGURE 5.9A

a Infill of Existing Platted Lots - Where there are existing dwellings within 50 feet on either side of the proposed building footprint, the setback may be reduced to the average setback of those dwellings but shall be no less than 25-feet from the OHWM (see Figure 5.9.B). In those instances where a single dwelling unit is within 50 feet of one side of the proposed building footprint, the average setback shall be the difference (average) between the required setback and that of the existing structure (see Figure 5.9C) but shall be no less than 25-feet from the OHWM. In both cases, the existing dwellings are construed to be those that are currently occupied. The mere presence of shacks, sheds or dilapidated buildings does not constitute the existence of a dwelling unit.

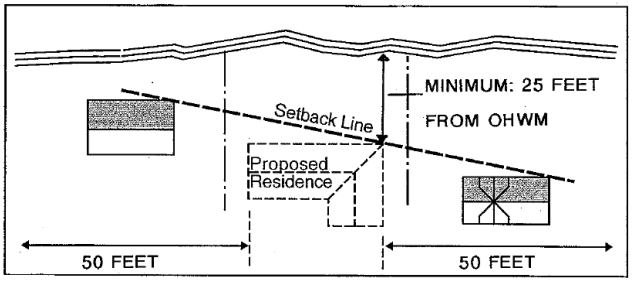


FIGURE 5.9B

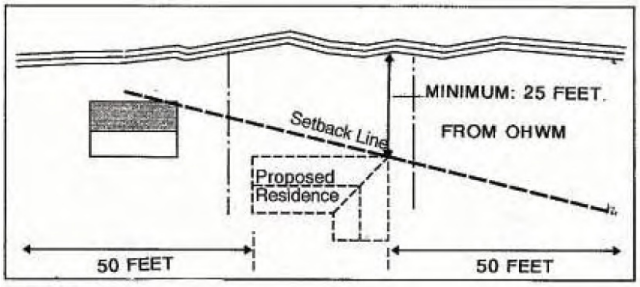


FIGURE 5.9C

b. Where a residential setback was established as part of the approval of a residential subdivision, the established subdivision setback shall take precedence.

Provided that in either case, the setback exceptions in a. and b. shall not result in a shoreline setback that is less than any critical areas buffer required under Chapter 6, Environmental Protection.

DR-5.9.8 Exceptions from the Shoreline Residential setback include:
Note: To demarcate areas of potential hazard atop a bluff, fencing may be permitted within the residential setback and within the critical areas setback of a steep/marine bluff top. Fencing within the setback shall be of open design and not taller than three feet. Footings shall be designed and placed in a manner that does not decrease slope stability. It is recommended, and the City may require, that property owners consult with their engineer to examine the bluff edge for cracks or failures prior to construction of the fencing. In general, footings should be no closer than ten feet from the edge of the bluff and the smaller and shallower the post hole, the better.

DR-5.9.9 Deviations from the required setback shall be reviewed on an individual basis. A request for a deviation shall be considered a variance following the procedures established under Section 10.7 and will be subject to the variance review criteria established under Subsection 10.7.4 of this Master Program.

DR-5.9.10 Developments associated with scientific, historical, cultural, educational research uses, public access, low-moderate intensity water oriented recreation open to the general public and ecological restoration are not required to meet the setback requirement. However, where such development may be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.

DR-5.9.11 Removal of vegetation and topsoil is strictly regulated under the

Clearing, Grading and Vegetation Management Provisions of Chapter 9.

Design Elements

DR-5.9.12 For all residential development within shorelines jurisdiction, the area of impervious surfaces (including parking areas but excluding required right- of-way improvements) to be developed within shorelines jurisdiction shall be limited by the slope of the lot as specified in the following table. In no case shall total impervious area exceed 5,000 square feet for any one single-family detached dwelling and accessory structures (i.e., when a single-family home is proposed over multiple lots the total impervious area must not exceed 5,000 square feet)1.

Slope	Impervious limit (expressed as a percentage of actual land area)
15% or less	30%
15-30	25%
Greater than 30%	20%

Areas waterward of the Ordinary High Water Mark and areas of marine bluffs, steep slopes, and wetlands shall not be included to calculate land area. For example, only the buildable area landward of the marine bluff edge shall be used in the calculation.

DR-5.9.13 The shoreline administrator may grant a waiver, limited to the maximum lot coverage requirements under Title 17 PTMC, when compliance with the impervious limitations of this section would violate constitutional or statutory requirements.

DR-5.9.14 A minimum of fifteen percent (15%) of the total lot area shall be retained or replanted in native vegetation. Areas to be retained shall include the largest contiguous, and/or most waterward blocks of native vegetation located on site. If no areas of native vegetation remain, the vegetation retention area shall be replanted with species native to shoreline areas of the Quimper Peninsula. For additions and expansions of existing developments, replanting shall be commensurate with the degree of impact resulting from the new development.

5.10 Urban

Existing and planned uses in the Urban designation represent a variety of water oriented and non-water oriented uses. Current zoning (C-II, General Commercial) allows for retail businesses, professional offices, hotels, restaurants, personal service shops, recreational uses, and upper-story residential uses. Emerging real estate, business service and office uses are interspersed with multi-family structures and hotels. The Port Townsend-Keystone state ferry terminal is included in

this designation.

Vehicles entering and exiting the ferry terminal mix with local traffic on Sims Way (State Route 20) creating significant traffic pressures on this two-lane highway. Opportunities to improve the highway are limited by natural topography and the built environment. Between Kearny Street and the ferry terminal, the close proximity of both the bluff and existing structures to pedestrian and vehicular traffic discourages the development of this area as a specific destination. However, significant water views and the bluffs provide a unique aesthetic quality to this area.

This shoreline has been heavily modified and shoreline functions are impaired. Restoration efforts should be encouraged through various incentives such as factoring “restoration” in as a water-dependent use in a mixed-use project.

Purpose

The purpose of the Urban Designation is to provide for commercial and recreational uses, limited residential and transient uses and public land uses while seeking opportunities for protection and restoration of ecological functions. Because few water-dependent or water-related uses are appropriate in this location, to be consistent with the policy of the Act, shorelines within the Urban designation should be used in ways that enhance ecological functions and/or provide opportunities for the public use and enjoyment of this shoreline.

Designation Criteria

The Urban Designation is appropriate for areas that currently support or are planned for general commercial development. The Urban Designation is located landward of the ordinary high watermark.

Areas Designated

Description

The Urban designation includes:

a. Areas east of Boat Haven Marina and west of the downtown Historic Overlay District, landward of the ordinary high water mark.

b. Kah Tai Care Center on the east side of Kah Tai Lagoon.

Rationale

These areas are zoned for commercial uses and existing land use consists of commercial and high intensity residential uses.

Management Policies

Uses

Policy 5.10.1	Give priority to water-oriented uses over non-water-oriented uses.

Policy 5.10.2 Encourage uses that enhance ecological functions and/or enhance opportunities for the public use and enjoyment of this shoreline.

Design Elements

Policy 5.10.3 Coordinate and design uses in this area to be compatible with existing and future ferry operations (e.g. navigation and circulation patterns should be coordinated).

Policy 5.10.4 Ensure that, where applicable, improvements within this district are reviewed for compatibility and consistency with the C-II Design Standards codified in the PTMC zoning code and, for project's fronting SR-20, the design recommendations in the Gateway Development Plan.

Policy 5.10.5 Encourage designs that incorporate conservation and restoration elements, such as restoration of intertidal habitat, shoreline vegetation, and enhancement of public access.

Policy 5.10.6 Require, where applicable, new development and/or redevelopment to include environmental cleanup (e.g., removal of contaminated soils) and restoration of the shoreline in accordance with state and federal requirements.

Public Access

Policy 5.10.7 Protect view corridors identified in Appendix B through appropriate design (e.g., modulation of building heights and massing) of new development. Designs shall protect views of the water and the bluff as viewed from onshore and from offshore.

Policy 5.10.8 Seek a public pedestrian walkway system along the Urban waterfront utilizing a combination of natural beaches, pathways, piers, wharves, street-ends, sidewalks, stairways, or other improvements. Although it may not be feasible for the walkway system to be continuous throughout the entire area, it should promote quality pedestrian access to and along major portions of the waterfront. The street-ends of Thayer, Decatur, Kearney, Gaines, Scott, Walker, and Calhoun Streets should, at a minimum, become developed access points to the shoreline. Linkage between these street- ends should be determined by the physical characteristics of the shorelines, existing development patterns, potential for structural improvements, and other factors relevant to developing a continuous pedestrian system.

Policy 5.10.9 Encourage designs that enhance pedestrian traffic without impeding vehicular traffic through the use of paving textures, fencing, landscaping, and signage that makes a greater distinction between automobile traffic and pedestrian circulation systems.

Policy 5.10.10 Ensure that new development acknowledges and continues the continuity of the street facade and the predominance of ground-level

street-front retail bays along Water Street and encloses or otherwise conceals parking facilities.

Development Regulations

Uses

DR-5.10.1 The following are prohibited in the Urban Designation:

a. Aquaculture unless associated with an approved restoration project

b. Industrial uses

c. Warehouse, storage and mini-storage

d. Auto, truck, trailer and recreational vehicle rental, towing, servicing, repair or sales

e. Major recycling facilities

f. Radio and television towers as a primary use

DR-5.10.2 Development that can be classified as a water-dependent, water-related or water-enjoyment use shall be permitted unless specifically prohibited.

DR-5.10.3 A limited range of non-water-oriented development, open to the general public, while not preferred, may also be authorized as a conditional use provided said development:

a. Conforms with the criteria set forth for conditional uses in Chapter 10;

b. Use is compatible with adjacent water-oriented uses;

c. Is designed and located in manner that capitalizes on shoreline views and is compatible with water-oriented uses; and

d. Makes provisions for the public access and enjoyment consistent with this Master Program.

DR-5.10.4 Multi-family residential or transient accommodation (hotel and motel) uses may be permitted as a conditional use provided they meet the requirements for non-water oriented uses listed above and further that said use meets the following terms:

a. Public access and enjoyment shall be the primary design consideration. Private and public space shall be appropriately separated through sensitive design.

b. A maximum of 50% of total floor area may be devoted to residential and/or transient accommodations unless waived by Section G below.

c. The remaining 50% of total floor area must be either all water- oriented or a mix of water-oriented and certain non-water oriented uses as follows:

i. No less than 25% of the total floor area of the development shall be devoted to water-oriented uses except as provided for in DR 5.10.4(g) below.

ii. The remaining 25% of the total floor area shall be devoted to non-water oriented uses accessible to the general public (e.g., retail, personal services, recreational and cultural uses) excluding transient accommodations.

d. Uses may be placed in either a horizontal arrangement (e.g., commercial on ground floor with residential above) or a vertical arrangement either attached or detached within close proximity (e.g., commercial and residential buildings placed within 25-feet of each other). Regardless of use, the ground floor of all buildings shall have a minimum clear ceiling height of twelve feet in order to allow flexibility of use. (Ord. 2982 § 23, 2008).

e. Development shall comply with the applicable design standards and review processes set forth in Chapter 17 PTMC (e.g., Chapter 17.36, Multifamily Residential Development Standards and Chapter 17.44 Commercial and Mixed Use Architectural and Site Design Standards).

f. Residential and transient accommodation uses must not intrude on the public's use and enjoyment of the shoreline:

i. Building designs that step back from the public area are encouraged (e.g., upper floors step back from the public area).

ii. Where residential or transient accommodations are situated on the ground-floor:

1.) A minimum vegetated buffer of ten feet shall be included in the dedicated public access easement. This buffer shall be placed between the private and public space;

2.) Residential/transient structures shall be set back 15- feet from the nearest edge of the public access easement and separated by a small hedge, picket fence, wall, or other similar visual separation not exceeding 36-inches in height (walls incorporating seating are encouraged); and,

3.) The ground floor shall be a minimum of three-feet above the grade level of the adjacent public areas to avoid direct sight lines from public space into private areas. (See Figure 5.10A).

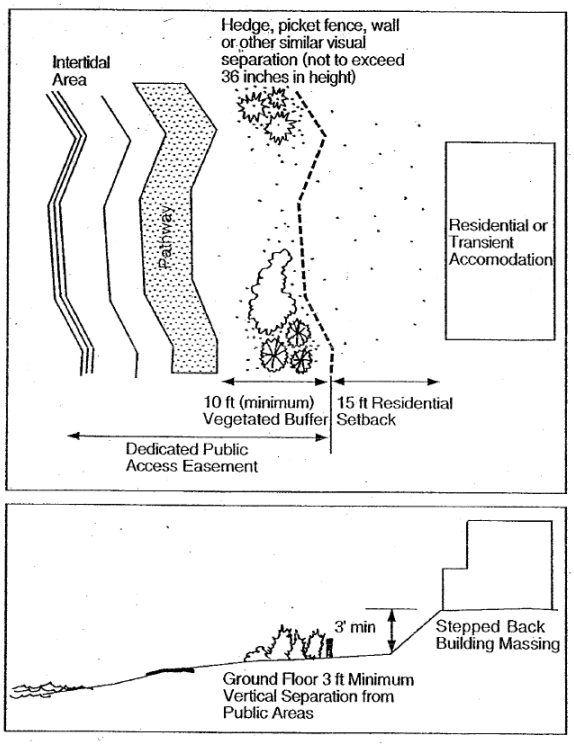


FIG. 5.10A

g. Restoration/Public Access Incentive - The requirement in DR 5.10.4(c)(i) above, regarding dedication of no less than 25% of the total floor area to water-oriented uses, may be waived in whole or in part when the proposal provides restoration of ecological functions, habitat enhancement, and/or provision of public access improvements (e.g., parks, esplanades, etc.) that constitute a significant public benefit beyond that which would be required as mitigation for the development. (Thus allowing for an additional 25% of residential/transient or non-water oriented uses accessible to the general public).

In addition to the Conditional Use-approval criteria, the following criterion shall apply:

i. The proposal will provide "greater public benefit" consistent with this Master Program without additional probable significant adverse impacts to public health, safety or the environment, that cannot be adequately mitigated.

ii. Items that may constitute a "greater public benefit" include:

1.) Preservation of critical shoreline habitat,

2.) Restoration of impaired ecological functions,

3.) Dedication to the city of land for a public park or open space,

4.) Preservation of scenic resources, and

5.) Enhanced public access amenities.

iii. On-site restoration shall be preferred. Additional credits may be earned through off-site restoration that occurs within the City. In either case, the applicant must demonstrate, to the satisfaction of the Shoreline Administrator, that the restoration site will be protected in perpetuity: This may be accomplished through various means including but not limited to dedication of a permanent easement to the City or City-approved nonprofit entity; with perpetual protection of easement purposes and reversion to the City if the non-profit cannot maintain the easement, and/or participation in a publicly sponsored restoration or enhancement program.

iv. To assist in determining "greater public benefit" and proportionate development credits, staff shall convene an ad hoc committee to participate in the mandatory pre-application conference and to comment on the formal application. The ad-hoc committee shall include but not be limited to individuals with the following expertise:

a. For ecological restoration, a representative from Washington State Fish and Wildlife, Department

a. of Ecology, and a City resident with expertise in marine/wetlands ecology, plus at least two additional citizens of Port Townsend.

b. For public access, a representative from Department of Ecology, the City's Non-Motorized Transportation Committee, and the City's Parks and Recreation Committee plus at least two additional citizens of Port Townsend.

The committee's recommendation shall be included in the staff report to the Hearings Examiner.

DR-5.10.5 Additional allowed, conditional, and prohibited uses for the Urban Designation are listed in Table 5 at the end of this Chapter.

Design Elements

DR-5.10.6 New development within the Urban District shall comply with applicable design guidelines for the Historic Overlay District-Design Review or the Commercial and Mixed Use/Multi-family Architectural and Site Design Standards as codified in the Port Townsend Municipal Code. Improvements westerly of the ferry terminal shall also comply with the design guidelines of the Gateway Development Plan.

Height Limitations

DR-5.10.7 New or expanded structures within the Special Height Overlay District are subject to the specific height limits of the Special Height Overlay District codified in Chapter 17.28 of the Port Townsend Municipal Code (see Appendix C).

DR-5.10.8 New or expanded structures outside of the Special Height Overlay District shall be limited to a maximum height of 40-feet. (Ord. 2982 § 23, 2008).

Setbacks

DR-5.10.9 Permanent buildings and structures shall be set back a minimum of twenty-five (25) feet from the ordinary high water. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.

DR-5.10.10 Developments associated with water-dependent scientific, historical, cultural, or educational research uses, public access, water-oriented recreation and ecological restoration are not required to meet the setback requirement. However, where such development may be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.

5.11 Historic Waterfront

The Historic Waterfront is the historic commercial area of downtown Port Townsend. This area includes many non-water-oriented commercial uses as well as historic structures that have been built on fill placed in the shoreline area.

Existing land uses include specialty shops and services, upper floor residential, restaurants, hotels, government offices, cultural resources, community-oriented buildings, public recreational uses and open space. On-street parking is also a dominant visual feature of the area.

The development patterns of Port Townsend's historic downtown were predicated on the orientation of buildings located along the shoreline towards Water Street. The absence of adequate access to the rear of these buildings is evidenced by the loading/unloading of commercial deliveries from the center of Water Street. This lack of rear access also hinders the adaptive reuse of historic buildings as modern building codes require two-points of egress for life-safety for most uses. As noted in Section 5.6 Aquatic, the City is committed to maintaining the continued viability of historic buildings along the shoreline. The establishment of an over- water walkway or multiple walkways that allow for emergency egress is a key component towards maintaining this viability.

Purpose

The purpose of the Historic Waterfront Designation is to protect historic resources, provide for continued commercial uses that are consistent with the historic character of the area, including those that are not water-oriented, while protecting existing ecological functions, restoring ecological functions in areas that have been previously degraded, and enhancing public access to the shoreline. The Historic Waterfront is an ideal area to encourage water-enjoyment uses.

The following identifies the objectives for the Historic Waterfront Designation in order of importance:

a. Protect the historic resources of Port Townsend while minimizing the impact to critical areas and natural shoreline processes;

b. Accommodate the functional re-use of historic structures; and

c. Ensure that the impacts associated with the continued use of historic structures on the

shoreline results in no net loss of ecological functions.

Designation Criteria

The Historic Waterfront Designation is the area within the National Landmark Historic District largely occupied by the collection of historic late 19th-century brick and stonework commercial buildings.

Areas Designated

Description

The Historic Waterfront designation includes areas landward of the ordinary high water mark that are within the C-III Historic Commercial zoning district.

Rationale

This is a collection of historic buildings, in a designated Landmark Historic District, that provide the commercial and social center of Port Townsend.

Management Policies

Uses

Policy 5.11.1 Encourage a mixture and variety of uses and activities in the Historic Waterfront Designation, particularly those that:

a. Preserve and restore the historic character of Port Townsend.

b. Support and reinforce the design and architectural qualities of the Water Street National Historic District when located within or adjacent to its boundaries.

c. Provide an opportunity for the public to actively or passively enjoy the community's waterfront amenity.

d. Provide a physical link or connection open to the public between the upland and the shoreline.

e. Are water-oriented uses or are accessory to, complimentary to or support water-oriented uses.

f. Enhance the character and flavor of the Port Townsend urban waterfront.

Policy 5.11.2 Maintain and enhance the historic waterfront character of the district by prohibiting incompatible uses and requiring compliance with historic district design review standards.

Policy 5.11.3 Encourage rehabilitation, renovation, and adaptive reuse of upper floors of historic buildings (e.g. for artist studios, permanent housing,

and office space) so as to contribute to the vitality of the area.

Design Elements

Policy 5.11.4 Allow development only in those areas where impacts and hazards caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.

Policy 5.11.5 Encourage conservation and restoration projects, such as restoration of intertidal habitat and enhancement of public access.

Policy 5.11.6 Protect view corridors identified in Appendix C through appropriate design (e.g., modulation of building heights and massing) of new development. Designs shall protect views of the water and the bluff as viewed from onshore and from offshore.

Policy 5.11.7 Ensure that new development provides visual and physical public access, consistent with constitutional and statutory limitations, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline. In lieu of on-site improvements, the Shoreline Administrator may allow for off-site improvements if said improvements would provide a greater public benefit (WAC 173-26-221 (4)(c) and (d)).

Policy 5.11.8 Implement aesthetic objectives by means such as compliance with the City's sign control regulations (Chapter 17.76 PTMC), appropriate development siting, screening, and architectural standards as implemented through the City's historic design review standards (Chapter 17.30 PTMC), and locally appropriate landscaping.

Policy 5.11.9 Seek a public pedestrian walkway system along the Historic Waterfront Designation utilizing a combination of natural beaches, pathways, piers, wharves, street-ends, sidewalks, stairways, or other improvements. Although it may not be feasible for the walkway system to be continuous throughout the entire area, it should promote quality pedestrian access to and along major portions of the waterfront. The street-ends of Tyler, Adams, Quincy, and Monroe Streets should, at a minimum, become developed access points to the shoreline. Linkage between these street- ends should be determined by the physical characteristics of the shorelines, existing development patterns, potential for structural improvements, and other factors relevant to developing a continuous pedestrian system.

Policy 5.11.10 Implement ecological and aesthetic objectives by restoring native shoreline vegetation where feasible, including at developed street ends and/or public shoreline access points.

Development Regulations

Uses

DR-5.11.1 The following are prohibited in the Historic Waterfront Designation:

a. Aquaculture unless associated with an approved restoration project

b. Industrial uses

c. Warehouse, storage and mini-storage

d. Auto, truck, trailer and recreational vehicle rental, towing, servicing, repair or sales

e. Major recycling facilities

f. Radio and television towers as a primary use

DR-5.11.2 Unless otherwise prohibited by this Chapter, development that can be classified as a water-dependent, water-related or water-enjoyment use shall be permitted provided that the development is designed and operated in a manner that is compatible with the character of this Landmark Historic District.

DR-5.11.3 Non-water-oriented development may also be permitted provided said development is designed and located in a manner compatible with the Landmark Historic District and water-oriented uses and, furthermore, that said development makes provisions for the public access and enjoyment consistent with this Master Program.

DR-5.11.4 Residential or transient accommodations (hotel and motel) are primary uses and may be allowed as a permitted use, provided that each of the following conditions is met.

a. Residential and transient accommodations shall not occupy any portion of the ground floor of any buildings. Accessory uses, such as lobbies, which provide services or access to residential or transient accommodations are allowed on the ground floor.

b. The ground floor shall be reserved on a continuous basis for commercial retail or service uses open to the general public and permitted by the underlying zoning.

DR-5.11.5 Additional permitted, conditional and prohibited uses for the Historic Waterfront Designation are listed in Table 5 at the end of this Chapter.

DR-5.11.6 Improvements within the Historic Waterfront are subject to design review to ensure compliance with the design guidelines for the Historic Overlay District as codified in the Port Townsend Municipal Code.

DR-5.11.7 New structures or exterior alterations of existing structures shall not detract from the design and architectural integrity of the Water Street Historic District. Plans for development shall include exterior elevations with enough design details to be evaluated by appropriate historic preservation agencies.

DR-5.11.8 New uses and developments must demonstrate consistency with the Historic Waterfront management policies of this master program

Height Limit

DR-5.11.9 New or expanded structures are subject to the specific height limits of the Special Height Overlay District codified in Chapter 17.28 of the Port Townsend Municipal Code (see Appendix C).

Setbacks

(For restoration of existing non-conforming buildings, see Chapter 11.)

DR-5.11.10 Water-dependent uses require no setback. All other new development shall be setback a minimum of 25-feet from the ordinary high-water mark with the following exceptions:

a. Interconnected walkways that facilitate a second point of egress to achieve life/safety code compliance to facilitate adaptive reuse of shoreline buildings shall be permitted in cases where no feasible alternative exists. Although the primary purpose of these walkways shall be to facilitate emergency egress, opportunities for their use to enhance public access along the shoreline shall be evaluated and where appropriate, permitted. Elevated walkways and decks shall not inhibit public access to or use of the beach unless no other alternative exists for meeting life/safety codes.

b. Decks and balconies may be permitted on upper floors, provided that the applicant can demonstrate that the proposed improvements will not adversely impact public use of the shoreline or the ecological functions, values, and resources of the shoreline.

5.12 Boat Haven Marina and Marine Trades District

The Boat Haven Marina and Marine Trades District (the "Boat Haven District") is a district that encompasses commercial and recreational moorage for about 400 boats, as well as predominantly water-oriented industrial, commercial and retail structures and uses. A section of the Larry Scott Memorial Trail also lies within this District. The Boat Haven marina, owned and operated by the Port of Port Townsend, is a 19-acre rectangle surrounded by a riprap breakwater. Benedict Street Spit separates the existing in-water moorage at Boat Haven into two basins. One privately owned parcel lies within the Port-owned properties at the Boat Haven.

The northeastern basin, approximately 4-acres in size, serves water-dependent commercial operations with moorage for approximately 50 vessels. In the mid- 80s, the northeast basin was home to approximately 50 commercial fishing vessels. Market conditions have caused that number to dwindle to approximately 10 commercial fishing vessels today, resulting in increased recreational vessel use of the northeastern basin. The northeast basin is a transitional area that serves as a gateway between the urban waterfront commercial uses to the east, and the water-dependent and water-related marine trades uses in the main basin.

The majority of the recreational moorage and water-dependent and water-related commercial

facilities within the district are located in the approximately 15-acre main basin situated on the southwestern side of the Benedict Street Spit, where approximately 350 vessels are moored. There is an existing fuel float, sanitary pump-out facility, and transient moorage float adjacent to the Benedict Street spit, as well as a public boat launch.

Prior to development, the entire Boat Haven area, including areas that now lie outside the shoreline jurisdiction, was a small bay that adjoined Port Townsend Bay. Significant filling beginning in the 1800's created the present upland area known as Boat Haven Industrial Park. Uplands areas within the shoreline jurisdiction are used primarily for water-related uses including: boat storage, boat building, repair, sales and service; a commercial fish processing operation, a yacht club; a U.S. Coast Guard station, and marine-related offices and manufacturing.

Some of the water-enjoyment and non-water-oriented uses at the Boat Haven occur outside the 200 foot shoreline jurisdiction, and include a wide range of uses including: a restaurant; offices; manufacturing; a County household hazardous waste facility; and an assortment of other commercial retail and professional businesses. Current zoning allows for small restaurants of up to 1,500 square feet.[1] A number of these upland uses are nonconforming (as of 2005) under the marine-related manufacturing (M-II(A)) zoning which is applied to upland portions of the Port's property at the Boat Haven. Though also applied to areas outside the shoreline jurisdiction, the 2005 M-II(A) zoning district states that it is intended for larger scale and more intensive water-dependent and marine-related uses.

The Port of Port Townsend plans a deep-water expansion of the marina. Approximately 200 new slips would be added. A new work pier and docks would be constructed in the expanded basin. The Port's preferred alternative is a deep- water expansion and upland redevelopment alternative for the marina expansion. It should be acknowledged, however, that additional input from the U.S. Army Corps of Engineers, as well as the National Marine Fisheries Service (NMFS), could result in changes to the preferred alternative (please refer to alternative #2, page III-18-22, and Figure 3-2 within the Comprehensive Scheme of Harbor Improvements Update 2003 & Environmental Impact Statement: December 2, 2003).

Purpose

The overall purpose of the Boat Haven Marina and Marine Trades District is to provide for a variety of water-oriented uses, with a primary focus on water-dependent and water-related activities and uses including recreational boating, manufacturing, assembly, haul out and repair. It is intended to support larger scale and intensive water-dependent or marine-related uses and activities that are critical to maintaining and building upon Port Townsend's marine trades businesses. Though the district's focus is upon water-dependent and water-related activities, an appropriate mix of water-enjoyment and limited non-water-oriented uses is appropriate within the northeastern portion of the district to serve as a transitional gateway between the urban waterfront commercial uses to the east, and the water-dependent and water-related uses in the remainder of the Boat Haven.

Designation Criteria

The Boat Haven Marina and Marine Trades District is that area that is used for or designated as marine-related, high intensity commercial and industrial uses, or areas suitable or planned for high-

intensity water-dependent and water-related uses necessary to commerce, transportation, boat-building or navigation at the Boat Haven Marina. These areas reflect the following characteristics:

a. Land which is either currently accommodating high-intensity commercial or industrial uses or is designated for such uses;

b. Significant modifications to the shoreline have occurred;

c. Existing or proposed high-intensity commercial or industrial uses;

d. Few environmental limitations to development are present, such as steep slopes, or landslide hazard areas.

Areas Designated

Description

The Boat Haven Marina and Marine Trades District includes:

The developed shoreline and harbor areas of the Boat Haven Marina, from outer jetty inland, but not past Washington, Jefferson or Benedict Streets. The district also includes areas east to Thayer Street. The western boundary of the district lies at the end of intense development and does not include the adjacent natural and wetland areas owned by the Port of Port Townsend.

Rationale

This is an established marina operated by the Port of Port Townsend and used for recreational, commercial and industrial marine activities.

Management Policies

Policy 5.12.1 In regulating uses in the Boat Haven District, distinguish between the main boat basin and the northeast boat basin areas as follows:

a. Prohibit water-enjoyment and non-water-oriented uses within the main boat basin. First priority should be given to water-dependent uses, second priority to water-related uses, and third priority to public access uses (i.e., including associated facilities such as public restrooms, benches and signage).

b. Within the northeast boat basin, first priority should be given to water-dependent, water-related, and water-enjoyment uses (including public access uses), second priority to non-water-oriented uses combined with water-dependent or water-related uses, and third priority to a limited range of non-water-oriented use as specified in Table 5.12-1.

Policy 5.12.2 Provide for high-intensity water-dependent and water-related commercial and industrial uses within the Boat Haven District, while protecting existing ecological functions. Non-water-dependent industrial uses should be located outside the shoreline jurisdiction

Policy 5.12.3 Preserve and protect existing water-dependent and water-related uses, especially marine trades, as critical elements of the traditional and current economy of the city, as well as elements that define the character of the community.

Policy 5.12.4 Permit as conditional uses water-enjoyment uses and a limited range of non-water-oriented uses within the northeastern basin subdistrict as described in the "Uses and Subdistricts" section of this chapter, provided that such uses are found to be compatible with, and supportive of, preferred water-dependent and water-related uses. This policy is intended to acknowledge the existence of a transition zone between the urban waterfront district lying to the east of Thayer Street and north of Washington Street, and the more intensive water-dependent and water- related industrial uses within the main basin sub-district.

Policy 5.12.5 Permit water-enjoyment public access uses (i.e., including associated facilities such as public restrooms, benches and signage) as third priority uses within the main boat basin, and first priority uses within the northeast boat basin, consistent with management policy 5.12.1, above.

Policy 5.12.6 Maintain the existing, and expand the future, base of water-dependent and water-related industrial activities within the Boat Haven District, particularly in those areas lying in the main basin sub-district.

Policy 5.12.7 Support the Port's preferred alternative for the proposed marina expansion by including the deep-water expansion area in the map designation for the Boat Haven District. Work with the Port to foster a marina expansion and upland development that achieves the goals of the priority uses for the Boat Haven District and supports the long-term viability of marine trades.

Policy 5.12.8 Encourage the Port to manage liveaboards situated within the marina in a manner that ensures the use:

a. Will not result in the marina exceeding federal or state water quality standards;

b. Will meet the "no net loss" policy for ecological functions; and

c. Will not inhibit the long-term viability of priority uses (i.e., water-dependent and water-related uses).

Design Elements

Policy 5.12.9 Locate, design, construct and operate industrial and port facilities to minimize unnecessary conflicts with and impacts to adjacent, non-industrial land or water uses to the extent practicable, given the intended use and zoning as a Port industrial facility.

Policy Preserve water-dependent and water-related uses, enhance publicly

5.12.10 oriented recreational uses along the shoreline, and foster compatible marine-related uses in adjacent upland areas of the Boat Haven.

Policy 5.12.11 Require new development to provide physical and visual access to shorelines whenever possible and consistent with constitutional and statutory limitations, provided such access does not interfere with industrial operations or endanger public health and safety. In lieu of on- site improvements, the Shoreline Administrator may allow for off-site improvements if said improvements would provide a greater public benefit (WAC 173-26-221 (4)(c) and (d)).

Policy 5.12.12 Maximize efficient use of areas within the Boat Haven District for water-dependent and water-related uses before contemplating expansions to the district. Ensure that any future expansions to the district are subject to adequate environmental review, and that identified impacts are fully mitigated to achieve "no net loss" of environmental functions and values.

Policy 5.12.13 Promote compatibility with the priority uses within this district. Encourage the Port of Port Townsend to give first priority to water-oriented uses when leasing spaces or areas immediately adjacent to the shoreline jurisdiction.

Policy 5.12.14 Allow uses that adversely impact the ecological functions of critical saltwater and freshwater habitats only where necessary to achieve the objectives of RCW 90.58.020 (Legislative findings—State policy enunciated – Use preference), and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure "no net loss" of ecological functions. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with state and federal requirements consistent with constitutional or statutory limitations on the regulation of private property.

Policy 5.12.15 Work with the Port to identify opportunities for restoration and encourage conservation in the Boat Haven Marine Trades environment, such as preservation of water quality and enhancement of public access.

Over-water Structures

Policy 5.12.16 Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

Policy 5.12.17 Minimize environmental impacts of new overwater structures within the marina through selection of appropriate design and materials.

Environmental Protection

Policy 5.12.18 Design and manage shoreline uses and modifications within the Boat Haven designation consistent with the Environmental Protection

policies and regulations of Chapter 6 including, but not limited to, preservation of water quality, natural hydrographic conditions, and safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Development Regulations

Uses and Sub-Districts

DR-5.12.1 Only water-dependent uses, public access, or ecological restoration shall be permitted on new over-water structures.

DR-5.12.2 Recognize the different characters of the Boat Haven's two sub-districts:

a. Main Boat Basin Sub-District (See Shorelines Designation Map Appendix A). This area includes the areas within the shoreline jurisdiction from 75 feet west of the Benedict Street right-of-way west to the end of the developed portion of the Port property, and encompasses the approximately 15-acre main boat basin that provides moorage primarily for recreational boaters. This area also encompasses the majority of the water-dependent and water-related commercial and industrial uses and activities occurring at the Boat Haven. Uses are prohibited, permitted, or may be conditionally permitted within the main boat basin sub-district as follows:

i. The following uses are prohibited:

1.) Residential (except liveaboards in the existing marina, which are a permitted use, subject to Port policy and state and federal regulations);

2.) Transient accommodations (hotel and motel).

ii. The following uses are permitted:

1.) Water-dependent uses;

2.) Water-related uses; and

3.) Public access uses provided that they shall be designed and located to be compatible with the operation of the Boat Haven marine-trades.

4.) Though not preferred, a small-scale marina-serving grocery/deli (i.e., not exceeding 1,500 gross square feet) may be permitted conditionally within the main boat basin sub-district, if found to be compatible with, and beneficial to, preferred uses within the sub-district.

b. Northeast Boat Basin Sub-District (See Shorelines Designation Map Appendix A). This area includes the areas within the shoreline jurisdiction from 75 feet west of the Benedict Street right-of-way eastwards to Thayer Street, and encompasses the approximately 4 acre northeast boat basin that serves commercial fishing operations as well as recreational boaters. Principal existing uses lying waterward of the OHWM within

this sub-district include: Port offices on the west side of Benedict Street; a commercial fish processing operation; a yacht club; and a restaurant. Uses are prohibited, permitted, or may be conditionally permitted within the northeast boat basin subdistrict as follows:

i. The following uses are prohibited:

1.) Residential (except for liveaboards, which are a permitted use, subject to Port policy and state and federal regulations); and

2.) Transient accommodations (hotel and motel).

ii. The following uses are permitted:

1.) Water-dependent uses;

2.) Water-related uses;

3.) Water-enjoyment public access uses, provided that they shall be designed and located to be compatible with the operation of the Boat Haven Marina; and

4.) Other water-enjoyment uses, provided that water- enjoyment restaurant uses shall be limited to a total of 2 (not to exceed 3,500 square feet per restaurant or a combined total of 5,000 s.f.), and provided further that any such restaurant use be designed to take advantage of shoreline views and incorporate outdoor seating areas that are compatible with shoreline public access.

iii. The following uses may be permitted conditionally, provided that they are not incompatible with the preferred uses within the subdistrict:

1.) One marina-serving grocery/deli, not to exceed 1,500 s.f., designed primarily to serve marina users and employees;

2.) One non-water-oriented business/professional office located on the west side of Benedict Street (not to exceed 1,500 gross square feet); and

3.) Non-water-oriented uses as part of a development which also includes water-dependent or water-related uses, provided non-water-oriented uses do not exceed 20% of the gross square footage of the development, and provided further that they are compatible with adjacent water-oriented uses and public access improvements. Although water-enjoyment uses (subject to the limitations of this section) may be included in the mix, water-dependent or water-related uses are required as part of the development.

Height Limit

DR-5.12.3 No new or expanded building or structure shall exceed a building height of thirty-five (35) feet.

DR-5.12.4 There is no specific setback from the ordinary high water mark (OHWM) of the marina. From the OHWM of Port Townsend Bay, the

setback shall be a minimum of twenty-five (25) feet for non-water-dependent uses or, as needed to preserve/provide public access whichever is greater

Table 5.12-1. Boat Haven Marina and Marine Trades District: Permitted, Conditional and Prohibited Uses and Developments

BOAT HAVEN MARINA & MARINE TRADES DISTRICT: SHORELINE ENVIRONMENT DESIGNATION			
Standards & Uses	**Main Boat Basin Sub-District**	**Northeast Boat Basin Sub-District**	**Applicable Regulations/Notes**
Development Standard:			
Setbacks from OHWM for nonwater-dependent uses[1]	0 from marina; 25 ft. from PT Bay	Same as Main Boat Basin Sub-District	None.
Height Limit	35 ft. per RCW		
Specific Shoreline Uses:			
Advertising Signs	P	P	Section 8.2 and as further regulated by Chapter 17.76 PTMC "Signs"
Agriculture	X	X	None.
Aquaculture: • For Restoration; • Mechanical Geoduck Harvest[2] • Seafood Culturing, Harvesting and Processing	 P N/A P (uplands)	 P N/A P (uplands)	 Section 8.3. Related minor improvements within the adjacent Aquatic designation necessary to support the upland aquacultural use shall also be permitted (e.g., small scale water intakes and clean water outfalls).
Artwork • Major • Minor	 P P	 P P	

Boat Launches	P	P	Section 8.5.
Shoreline Commercial Uses - Generally[3]:			
• Water-dependent commercial; • Water-related commercial; • Water-enjoyment commercial; • Non-water oriented commercial	P P X X	P P P (See notes) X(3)	See DR 5.12.2 (Provided that water-enjoyment restaurant uses shall be limited to 2,and shall not exceed a combined total of 5,000 gross s.f.)
Shoreline Commercial Uses - Specific Exceptions:			
Business/Professional Offices, Non-Water Oriented	X	X (except CU on the west side of Benedict St.)	See DR 5.12.2 One non-water oriented business/professional office, not exceeding 1,500 gross s.f. may be located on the west side of Benedict St. in the Northeast Basin Sub-District.
Other Non-Water Oriented Uses as Part of Development which also contains water-dependent or water-related uses	X	CU	See DR 5.12.2 Non-water oriented business and professional offices uses may be permitted as part of development **which also contains water-dependent or water-related uses** within the Northeast Basin Sub-District, provided they do not exceed 20% of the gross s.f. of the development and that they are compatible with adjacent water-

			oriented uses and public access improvements.
Restaurants, Water-Enjoyment	X	P	See DR 5.12. Water-enjoyment restaurant uses shall be prohibited in the Main Basin Sub-District, and permitted in the Northeast Basin Sub-District, except that their number shall be limited to 2, and shall not exceed a combined total of 5,000 gross s.f.
Marina-Serving Grocery/Deli	CU	CU	See DR 5.12.2 Up to one marina serving grocery/deli, not to exceed 1,500 gross s.f, may be permitted conditionally in each sub-district if found to be compatible with, and beneficial to, preferred shoreline uses.
Docks, Piers and Floats	P	P	Section 9.4
Dredging: unless otherwise specified below:	CU	CU	Section 9.5 Maintenance dredging may be exempt, however, dredging that alters the location, depth or width of the previously dredged area shall require a new permit.
• Dredging for an existing legally established water-	P	P	

dependent use; • Dredging for approved ecological restoration	P	P	
Dredge Spoil Disposal	CU	CU	Section 9.5.
Industrial and Port Facilities: • Water-dependent; • Water-related; • Non-water oriented	P P X	P P X	Section 8.7.
Landfills	CU	CU	None.
Marinas	P	P	None.
Mining	X	X	None.
Parking: • Associated with an Approved Use; and • As a Primary Use	P X	P X	None.
Public Access	P	P	See DR 5.12.2. Public access uses shall be designed and located to be compatible with the operation of the Boat Haven.
Recreation Facilities: • Water-Dependent; • Nonwater-dependent: • High Intensity; • Moderate Intensity; • Low Intensity	 P X P P	 X P P	See DR 5.12.2.
Residential	X	X	See DR 5.12.2. Liveaboards in the existing marina are a permitted use, subject to Port policy and state and federal regulations.
Scientific, Cultural and	P	P	Section 8.14

Education			
Shore Defense Works: • Bulkheads; • Revetments	 CU CU	 CU CU	 Section 9.7.
Signs Interpretive/Educational	P	P	Section 8.2.
Transportation Facilities: • Water-Dependent; • Water-Related; • Water-Enjoyment • Non-water oriented • Roads	 P P P P P	 P P P P	 Section 8.15.
Transient Accommodations (hotel or motel)	X	X	See DR 5.12.2.
Utilities: • Primary; and • Accessory	 X P	 X P	 Section 8.16
P = May be permitted (i.e., allowed) subject to Substantial Development Permit conditions and provisions contained in this Master Program. CU = May be permitted (i.e., allowed) as a conditional use. X = Prohibited N/A = Not applicable			

[1] No setback is required for public access improvements or for water-dependent uses where allowed by the designation.

[2] In DNR tracts only. Prohibited elsewhere.

[3] Refer to "Shoreline Commercial Uses - Specifically" for exceptions.

5.13 Point Hudson Marina District

Point Hudson is an area containing a marina, a portion of the privately owned Fleet Marine, small scale marine trades, water-oriented nonprofit educational facilities, water-oriented retail, restaurants, transient accommodations (including a bed and breakfast, and a hotel), RV camping, and a small number of non-water-oriented offices and artisan-craftsman work spaces all centered around the Point Hudson Marina. Over the past 30 years, Point Hudson has become internationally

known as the home of the Port Townsend Wooden Boat Festival and the home of small-scale, high quality marine trades craftsmen and craftswomen. Boat builders, sail makers, kayak retailers, and other marine trades and artisans make Point Hudson a truly unique place, and helped to attract the Northwest Maritime Center. Point Hudson's proximity to the Northwest Maritime Center offers tremendous opportunity to revitalize the area in keeping with its scale and character. The marina and most of the land at Point Hudson are owned and operated by the Port of Port Townsend. In April of 2002, after having leased it to a private entity since April of 1962, the Port took over operation of the Point Hudson property, which consists of approximately 32 acres of uplands and tidelands.

Most of the buildings in the Point Hudson Marina district date from the 1930's when Point Hudson was used as a federal quarantine station or from the 1940's when Point Hudson served as a Coast Guard station and U.S. Army training base (hereafter referred to as the Point Hudson Station Buildings) (Appendix D, Map of Point Hudson Station Buildings). The U.S. Military deeded the majority of the Point Hudson District, including tidelands, to the Port in 1956. Over the years these buildings have served many purposes and their creative adaptive reuse is one of the character defining features of this district. The Point Hudson district is located within the Port Townsend National Landmark Historic District, but none of the buildings is listed on the National Register.

With the ongoing and future planned public access projects, including the 1,400 linear feet of beach trail and the Port's planned esplanade around the perimeter of the marina basin and northeast shoreline, Point Hudson has shoreline access and view corridors of both the Cascades and the Olympic mountain ranges, and also includes water views of Admiralty Inlet and Port Townsend Bay. Views have also been restored by the Port's removal of overhead wires, telephone poles and the foghorn. The goal to create new public access and open space, to eventually connect to the esplanade at the Boat Haven Marina, supports the vision in the City's Urban Waterfront Plan and is reflected in the Comprehensive Scheme of Harbor Improvements Update, adopted by the Port in 2003. The Port is also in the process of the total rehabilitation of the existing marina. Visual access is impacted by the placement of recreational vehicles in the Port operated RV Park. The RV Park provides recreational access to the shoreline to a substantial number of people; however, for the purposes of this master program, RV camping is not considered a water-enjoyment use. Port officials report that net revenues from the RV Park currently keep Point Hudson financially viable, supporting water- oriented development with the income it generates. The City recognizes real improvement to habitat value and ecological function could result from portions of dune areas near the sand spit being restored to more natural conditions, with native species buffer areas to the sand spit established and protected from trampling. The goal is to achieve the ecological restoration of the eastern point.

Purpose

The purpose of the "Point Hudson Marina" environment designation is to provide for a variety of water-oriented uses and other limited uses appropriate to the existence of a traditional small-scale marina, marine trades and artisan and public use of Point Hudson, which create the character of Point Hudson. This designation seeks to promote adaptive reuse of the existing buildings and a mix of water-dependent and water-related uses compatible with the historic character of the district. To promote historic preservation and encourage increased public access and ecological restoration of

the eastern point, this district also accommodates a mix of water-oriented uses and other limited uses that promote adaptive reuse and are compatible with the historic, marine-related character of the area.

The Shoreline Management Act's goals of increasing access to shorelines; preserving scenic vistas; and protecting and restoring buildings, sites, and areas that have historic, cultural, scientific, or educational value are all priority goals in the Point Hudson District.

On December 19, 1994, the City of Port Townsend and the Port of Port Townsend through Joint Resolution 94-148 adopted six goals from the draft Point Hudson Master Plan to guide future planning and development activities in Point Hudson. These joint goals have been incorporated into this Master Program (see General Management Policies (1-6) below).

Designation Criteria

The Point Hudson Marina District environment designation encompasses Port and private properties that are occupied by the Point Hudson marina and associated uses including marine trades, maritime educational use, visitor-serving commercial, recreation and moorage.

Description

The Point Hudson Marina District environment designation ("Point Hudson District") includes:

1. The area southeast of Hudson Place and east of Jackson Street including the spit and the marina landward of the ordinary high water mark.

2. All of Blocks 93 and the east half of both blocks 52 and 45, Plat of Port Townsend Original Townsite, lying east of Monroe Street and south of Franklin Street landward of the ordinary high water mark.

3. The property that encompasses the Northwest Maritime Center site, Block 4 of the Port Townsend Original Townsite, bounded by Monroe Street to the west and the Point Hudson Marina to the east, including the vacated portions of Water and Jackson Streets.

4. The map of environmental designations contained in Appendix A graphically depicts this district.

Rationale

Point Hudson is an established and historic marina and is used primarily for water-oriented marine trades, limited commercial, maritime educational and recreational activities. The uses in Point Hudson are distinct from the residential uses to the north and the district places an emphasis on water-oriented uses as opposed to the more general commercial uses found in the Historic Waterfront District. The Point Hudson District lies within the Port Townsend National Landmark Historic District.

The primary objectives of this district are to achieve a high level of rehabilitation of existing buildings, renovate the marina, protect and restore shoreline ecological resources, promote shoreline public access and showcase Port Townsend's maritime history, small-scale marine trades businesses, visitor services and special waterfront character.

The challenge is to find ways to maintain the District's integrity, character and economic viability to support the needed infrastructure and public improvements without undue gentrification and displacement of marine trades and maritime educational uses.

Management Principles

Development and rehabilitation of existing buildings should be based on the following principles:

1. Allow incremental, evolutionary changes to existing buildings and shoreline uses, starting with current use patterns.

2. Retain long-term opportunities for water-oriented uses, such as increasing marine-oriented uses, educational institutions and public areas.

3. Coordinate long-term planning with the downtown, particularly in the areas of vehicle and pedestrian circulation, visitor access, and achieving a broad spectrum of uses, activities and attractions.

4. Coordinate boating facilities and marine-oriented activities with Boat Haven to maximize opportunities for the recreational and commercial boating community.

5. Recognize that Point Hudson is a unique waterfront site within the northwest and is an important gateway into Port Townsend.

Management Policies

General

Policy 5.13.1 Pursuant to Resolution 94-148, the following general goals provide the foundation for planning within Point Hudson:

1. Point Hudson must be financially self-supporting.
2. Protect small-scale nature.
3. Provide a high degree of public access/use.
4. Preserve the historic character.
5. Encourage the marine trades and water-oriented uses.
6. Maintain property in Port/public ownership.

Policy 5.13.2 Encourage the removal of RVs from Point Hudson, especially on the point, by allowing adaptive reuses in existing buildings and new compatible development that will generate sufficient replacement revenues to the Port to ensure that Point Hudson remains financially self- supporting. As part of the recurrent plan and code review and amendments mandated under the GMA (RCW 36.70A.130),

periodically assess the status of Point Hudson and determine whether the use and development regulations for Point Hudson are achieving their desired effect.

Policy 5.13.3 Work with the Port of Port Townsend to identify opportunities for restoration such as the Point Hudson sandspit and an appropriate buffer zone for protecting and restoring ecological functions, consistent with the ecological protection and restoration objectives of this Master Program. Removal of pedestrian, domestic animal and automotive intrusions from the area nearest the sand spit would facilitate enhancement of ecological functions of that dynamic feature of the land and sea, and promote protection of avian species like Black Brant geese.

Policy 5.13.4 Limit the size and total square footage of restaurants in order to protect Point Hudson's small–scale character and emphasize marine-trades as the priority uses in this district.

Uses

Policy 5.13.5 Recognize the unique character of Point Hudson's sub-districts:

a. Point Hudson East Subdistrict (See Shoreline Designations Map Appendix A). This area includes buildings and open spaces that date from the 1930's. Water-oriented uses and a limited number of nonconforming uses (the latter includes a number of visitor serving uses) that are compatible with the historic character of the buildings have successfully evolved in this subdistrict. The former lessee of Point Hudson did not encourage the rehabilitation and reuse of existing buildings and minor modifications to these buildings are necessary to achieve the historic preservation goals of the community. No additional R.V. spaces should be permitted in Point Hudson. Limited new development and adaptive reuse of existing buildings should be allowed within the Point Hudson East Subdistrict to encourage public access and open space and to facilitate the revitalization and rehabilitation of existing buildings.

b. Maritime Heritage Corridor Subdistrict (See Shorelines Designation Map Appendix A). This area, which includes the NWMC site, should continue to support the majority of the marine trades and other water-dependent and water-related uses located in Point Hudson, because of its proximity to the marina and haul-out and because of the buildings' suitability for small scale marine trades use. Limited water-enjoyment uses are also appropriate uses in this subdistrict. Non-water-oriented uses should be limited to minor portions of development housing a mix of uses.[2]

c. Marina Subdistrict (See Shorelines Designation Map Appendix A). This area should be dedicated to water-dependent, water-related and public access uses only. Design and operation of the marina should support upland marine trades. Although the marina is primarily for transient boaters, its historic use of harboring liveaboards during the "off season" is expected to continue.

Policy 5.13.6 Encourage and support small-scale marine trades in Point Hudson. water-dependent and water-related uses are priority uses in Point Hudson.

Policy 5.13.7 Increase opportunities for marine-oriented educational, public, and non- profit uses.

Policy 5.13.8 Recognize the significance of Point Hudson to local Native American Tribes and allow for temporary use of the shorelines for ceremonial and seasonal use. The area north of the Commander's House may be an appropriate location for historic interpretation and additional public access uses.

Design Elements

Policy 5.13.9 Preserve Point Hudson's historic character. Encourage adaptive reuse of existing buildings. Require new structures to be designed in a manner that is compatible with Point Hudson's historic character. Encourage the rehabilitation of the original Point Hudson East buildings through adaptive reuse. Limit exterior modifications to those necessary for life/safety improvements, building code compliance, historic restoration of buildings, or public access improvements. Allow additions necessary to accommodate water-oriented and adaptive reuse of existing buildings.

Policy 5.13.10 Maintain a high degree of public access within the shoreline jurisdiction at Point Hudson (e.g., the beach trail along the shoreline). Keep Point Hudson pedestrian friendly and support development of a water walk/esplanade around the marina and along the northeast shoreline to create new public access and open space. Encourage public access amenities that are designed to respect and preserve ecological functions, native vegetation, and the natural character of the shoreline.

Policy 5.13.11 Public view corridors in Point Hudson identified in Appendix B should be protected and enhanced through appropriate design (e.g., modulation of building heights and massing).

Policy 5.13.12 Keep on-site parking small scale and consistent with the provisions of PTMC Chapter 17.72 for property within the National Register Historic Overlay District and ADA requirements. Locate parking to efficiently serve multiple uses. Provide convenient pedestrian access from more distant parking areas. New or enlarged parking areas should be located outside of shoreline jurisdiction. Parking for festivals and events should be discouraged in the unimproved shoreline areas of Point Hudson. Encourage transportation, parking, and pedestrian systems to be coordinated with a comprehensive downtown system of parking and transit services.

Policy 5.13.13 Retain the small-scale character of Point Hudson.

Policy 5.13.14 Recognize Point Hudson is a unique site within the Pacific Northwest and is the marine gateway into downtown Port Townsend for many transient visitors arriving by boat, and provides access to downtown for a variety of tenants, visitors and residents.

Future Planning

Policy 5.13.15 Work in collaboration with the Port of Port Townsend to help keep Point Hudson financially self-supporting.

Policy 5.13.16 Encourage the Port to work with the marine trades to manage the marina in a way that best supports adopted land use designations noting the direct connection between operation of the marina and the success of upland water-dependent and water-related uses.

Policy 5.13.17 Continue to coordinate long-term planning with the historic commercial downtown, particularly in the areas of parking, pedestrian circulation, visitor access (transient moorage), and achieving a broad spectrum of water-oriented uses, activities, and attractions.

Policy 5.13.18 Encourage the Port of Port Townsend, City of Port Townsend, and other agencies and non-profit entities, as appropriate, to research and implement a long-term stewardship strategy to manage and oversee revitalization of Point Hudson.

Development Regulations

Uses

DR-5.13.1 Water-oriented uses are priority uses in this district.

DR-5.13.2 Except as otherwise provided, the total area of all restaurants shall be limited to 11,000 gross square feet in the Point Hudson District. Any single restaurant shall be limited to a maximum of 3,500 gross square feet (excluding decks).

DR-5.13.3 Temporary festival activities are permitted uses within this district provided said use and all associated structures and parking are located on previously disturbed areas (i.e., undeveloped areas along Admiralty Inlet should be protected). Temporary activities may qualify for an exemption from a Substantial Development Permit (See Chapter 10).

Point Hudson East sub-district (see map Appendix A page 8)

DR-5.13.4 The following development, uses and activities are permitted within this subdistrict:

a. Water-dependent, water-related, and non-commercial water-enjoyment uses

b. Commercial water-enjoyment uses (e.g. restaurants) in existing buildings

c. Public access uses, including construction of accessory buildings that promote public access (such as restrooms and gazebos), and

d. Adaptive reuses

i. Adaptive reuses (see Table 5.13-1 for list of allowable adaptive reuses; other unlisted non-water-oriented uses may be allowed by conditional use) in the following eligible buildings, provided they do not exceed the listed percentages: Hospital (30%); Main Building (30%); Shower Building (30%).

ii. Modifications/additions to allow water-oriented uses or adaptive reuse of existing structures may be permitted as follows:

1.) Exterior modifications limited to those necessary for life/safety improvements and/or compliance with building codes are permitted.

2.) Additions of 10% or less of the existing square footage are permitted.

3.) Additions of greater than 10% of the existing square footage may be permitted as a conditional use.

e. The number of RV camping spaces and the square-footage devoted to this use shall be limited to the 48 spaces in existence upon adoption of this SMP update (February 14, 2007). The RV spaces waterward of Hudson Street may be relocated to areas landward of Hudson Street with approval of a Substantial Development Permit provided there is no increase in the number of spaces or square-footage. RV spaces displaced by any future development of the parade ground shall not be replaced/relocated.

f. Transient accommodations are allowed in the Commander's House.

DR-5.13.5 Unlisted non-water-oriented uses may be permitted as a conditional use subject to the provisions for adaptive reuse in DR 5.13.4 (c) above.

Maritime Heritage Corridor subdistrict (see map Appendix A).

DR-5.13.6 The following developments, uses and activities are permitted within this sub-district:

a. Water-dependent;

b. Water-related uses; and

c. One new development containing a mix of uses at the existing Landfall site provided that the total square footage of restaurants in this subdistrict is limited to 4000 gross square feet and that non- water-oriented uses are: (1) limited to those listed as mixed use

(M/U) in Table 5.13-1, (2) do not exceed 20% of the structure, and (3) are compatible with adjacent water-oriented uses and public access improvements.

DR-5.13.7 The following uses/activities may be permitted as a conditional use:
a. Minor expansion of existing non-water-oriented uses (i.e., transient accommodations/caretaker's residence at the Pilot House may be allowed as a conditional use.
b. Exterior modifications are permitted, limited to those necessary for life/safety improvements and/or compliance with building codes.

Marina sub-district (see map).

DR-5.13.8 This area allows only water-dependent, water-related and public access uses. See table below.

Table 5.13-1

Point Hudson Subdistricts: Permitted Conditional and Prohibited Uses and Developments

The following table summarizes the Point Hudson subdistricts and the water-oriented and non-water-oriented uses allowed in each:

	A/R:	**Permitted if Adaptive Reuse of Eligible Building**	
	M/U:	**Permitted in structures containing a mix of uses**	
P:		Permitted	
X:		Prohibited	W/O: Permitted if the use is water-oriented

POINT HUDSON SUBDISTRICT	Point Hudson East	Maritime Heritage Corridor	Marina	APPLICABLE REGULATIONS/NOTES
Apparel and other finished products manufacture and assembly	A/R	W/O	X	Percentage limitations apply: 30% for listed eligible buildings in Point Hudson East subdistrict; 20% for mixed used development.
Artwork	P	P	C	
Boat building and related products manufacture	W/O	P	X	PTMC 17.22.030, Marine-related and manufacturing bulk, dimensional and density requirements. Height per

				17.28 PTMC.
Boat storage facilities	P	P	P	Same as above.
Custom, art and craft work	A/R	W/O or M/U	X	Same as above.
Electrical and electronic goods manufacture and assembly	W/O	W/O	X	For example, marine-radio assembly/repair
Small-scale marine-related products manufacture, fabrication and assembly	P	P	P	Same as above.
Boat repair establishment	P	P	X	Same as above.
Heavy manufacturing not otherwise listed	X	X	X	
Light manufacturing or processing not otherwise listed	W/O	W/O	X	
Marine haul out facilities	P	P	P	Same as above. Allowed only on marina side of Point Hudson East.
Mechanical and electronic equipment repair establishments	W/O	W/O	W/O	Same as above.
Equipment rental service, commercial	W/O	W/O	X	Same as above.
Marinas	X	X	P	Same as above.
Marine supply and accessory stores, chandlers	P	P	X	Same as above.
Mooring Buoys	X	P	X	See Section 8.10 of this master program.

R.V. Campgrounds - Overnight Recreational	P	X	X (except transient boat moorage and liveaboards during the "off season")	The number of RV camping spaces and square footage devoted to its use shall be limited to the 48 spaces in existence upon adoption of this SMP update (2-14-07).
Retail sale of goods or products manufactured on the premises, or used in manufacturing, repairing, or servicing activities which are permitted in this district	A/R	W/O or M/U	X	Same as above. Percentage limitations apply: 30% for listed eligible buildings in Point Hudson East subdistrict; 20% for mixed used development.
Transient Accommodations	X (Except for the Commander's House where transient is permitted)	X (Except for historic Pilot's cottage on Lot 5, Blk 52 of PT Original Townsite where transient is permitted	X	
Wholesaling of goods or products manufactured on the premises	A/R or W/O	W/O	X	Percentage limitations apply: 30% for listed eligible buildings in Point Hudson East Subdistrict.
Marina serving Grocery/deli	P	P	X	Deli subordinate and accessory to marina

				serving grocery is permitted and is exempt from the overall 11,000 square foot limitation for restaurants.
Restaurants, water- oriented (including full service restaurants, cafes, coffee houses, bars, pubs, etc.; but excluding vending carts permitted under Chapter 5.32 of the PTMC).	W/O	W/O	X (except permitted as A/R for moorage building as an adaptive reuse)	Maximum of 3,500 total square feet of floor space per establishment (excluding decks). Overall limitation of 11,000 total gross square feet in the Point Hudson District, and limited to 4,000 total gross square feet in the Maritime Heritage Corridor Subdistrict. For the Maritime Heritage Corridor see DR 5.13.5(c)
Temporary Uses (including vendor carts, seasonal food/beverage	W/O	X	X	PTMC 17.08.060, Uses, Temporary, definitions. Temporary uses allowed provided that a shoreline permit exemption is obtained. Such uses are exempt from the 11,000 square foot overall limitation for restaurants.
Residential quarters as an accessory use	P	P	P	Residential uses are limited to owner/caretaker quarters for a legally established transient accommodation (e.g. B&B, hotel), and “winter-over” or seasonal live-a-boards pursuant to Port policy
Offices, business and professional	A/R	W/O or M/U	W/O	PTMC 17.22.030, Marine-related and manufacturing bulk, dimensional and density requirements.

				Percentage limitations apply: 30% for listed eligible buildings in Point Hudson East subdistrict; 20% for mixed used development.
Offices, maritime educational	W/O	W/O	X	
Offices, government	W/O	W/O	X	Examples of marine-related government offices include: U.S. Coast Guard, Department of Fish and Wildlife and the Port of Port Townsend; PTMC 17.22.030, Marine-related and manufacturing bulk, dimensional and density requirements
Municipal and Port improvements	P	P	P	Same as above.
Other facilities designated as essential public facilities by the Washington State Office of Financial Management	C	C	C	Under RCW 36.70A.200, the siting of “essential public facilities. . . cannot be precluded by development regulations . . .”; PTMC 17.22.030, Marine-related and manufacturing bulk, dimensional and density requirements.
Recycling facilities, minor	P	P	P	PTMC 17.22.030, Bulk, dimensional and density requirements.
State, regional or other transportation facilities	C	C	P	“State and regional transportation facilities” are considered “essential public facilities” under RCW 36.70A.200; “. . . their siting cannot be

				precluded by development regulations . . ."; PTMC 17.22.030, Bulk, dimensional and density requirements.
Stormwater retention, detention, and treatment facilities	P	P	P	PTMC 17.22.030, Bulk, dimensional and density requirements.
Storage, Warehousing operations, mini-storage facilities	X	X	X	Same as above.
Accessory buildings	P	P	P	Not to be construed as covered moorage that is prohibited. Same as above.
Docks and piers for pleasure craft	X	X	P	Same as above. Allowed only on marina side of Point Hudson East.
Ferry landings	X	P	P	Same as above.
Kayak landings	P	P	P	
Parking - garages, public parking as a primary use	X	X	X	
Parking as accessory to a permitted use	P	P	N/A	
Personal wireless service facilities	N/A	N/A	N/A	Refer to Chapter 17.78 PTMC, Personal Wireless Service Facilities, for list of permitted, conditional and prohibited uses and other substantive requirements.
Public Access	P	P	P	Public access uses are permitted uses provided

				they shall be designed and located in a manner that is compatible with the character and operation of the Point Hudson marina and associated marine trades and the marine ecology.
Radio and television towers	C	C	C	PTMC 17.22.030, Bulk, dimensional and density requirements; except as provided in applicable Federal Communications Commission rules and regulations.
Restoration – shoreline functions and values	P	P	P	
Satellite dishes, noncommercial, and antennas	P	P	P	Satellite dishes and antennas shall meet the requirements of PTMC 17.22.030, Bulk, dimensional and density requirements, except as provided in applicable Federal Communications Commission rules and regulations.
Scientific, Cultural, and Educational	W/O	W/O	W/O	
Unlisted Water-dependent Uses	P	P	P	
Unlisted Water-related Uses	P	P	C	
Unlisted Water-enjoyment Uses	C	C	X	
Unlisted Non water-oriented uses	C	X ground floor C upper	X	Point Hudson East - may be permitted as a conditional use subject

		floors of a MUD		to the limitations for Adaptive reuses (DR 5.13.4 (c)). Maritime Heritage -Corridor – may be permitted as a conditional use on the upper floors of a mixed use development at the Landfall site (DR 5.13.5 (c))

Design Standards

DR-5.13.9 New development/redevelopment shall be compatible with the scale, bulk, materials and design of the Point Hudson Station Buildings.

DR-5.13.10 New development, including construction and establishment of uses, shall make provisions for public access consistent with this Master Program.

DR-5.13.11 Non-water-oriented development must be designed and located in manner compatible with water-dependent and water-related uses and the operation of the Point Hudson Marina.

DR-5.13.12 All uses and activities shall be designed and operated to be compatible with legally established and planned uses in the adjacent district (See Specific Use Standards, Chapter 8).

DR-5.13.13 New development shall strive to maintain/enhance key public views including the view eastward from the end of Water Street, views across and along the boat basin, and eastward from Jefferson Street.

DR-5.13.14 New development shall provide and/or enhance public access commensurate with constitutional and statutory limitations and the degree of intensity and/or impact of the project. Possible pedestrian access amenities include the development of a pedestrian walkway around the boat basin, improved pedestrian connections between buildings and the boat basin, pedestrian connections to adjacent properties and the “waterwalk” trail. See Port Comprehensive Scheme of Harbor Improvements Update, 2003, and the preferred Alternative III (pages III 55-57.)

DR-5.13.15 Retain historic character of existing buildings. The Secretary of the Interior’s Guidelines for Rehabilitation of Historic Structures shall be used for modifications proposed to buildings that exceed 50 years in age or otherwise qualify for historic status. Additional design guidelines are contained in PTMC 17.30.140 Historic overlay district – Design Standards and 17.30.150 Waterfront subdistrict – Additional design standards.

Height Limit

DR-5.13.16 No structure shall be erected, or altered, in any area defined in this section to a height in excess of the limits established in the Special Height Overlay District as codified in Chapter 17.28 PTMC (Appendix C). The height limit shall not apply to cupolas, water tanks, flagpoles, transmission lines, and radio and television towers and other similar structures.

Setbacks

DR-5.13.17 There is a zero foot setback from the ordinary high water along the marina side of Point Hudson or along the shoreline of Port Townsend Bay, provided that buildings and structures shall be setback, as needed in compliance with the public access requirements

DR-5.13.18 Development within the Point Hudson East Subdistrict shall be setback a minimum of 5-feet from Hudson Street (i.e., compatible with the setback established by the remaining historic structures). The following limited public access improvements may be permitted within the setback, provided the design and placement of these structures are sensitive to the environmental resources of the area:

a. Interpretive/cultural displays and hand launching of boats are permitted within the setback.

b. A public access structure (e.g., gazebo/picnic shelter) may be placed within the setback on the southerly point adjacent to the marina.

Buffering Requirements for the Point Hudson District

DR-5.13.19 Development within Point Hudson subject to a substantial development or conditional use permit under this Master Program that is adjacent to an R- 1, R-II, or RIII zoning district shall include buffering or a greenbelt. Buffering or a greenbelt shall include landscaping, shrubs, trees and native vegetation as found to be appropriate depending on the impact. Such buffering shall be planted along the common boundary and shall grow to not more than 12 feet or less than 8 feet in height, nor less than 10 feet in width, within five years, unless an alternate landscaping plan is approved by the shorelines administrator that better meets the goals of this section.

DR-5.13.20 Specific landscape plans shall seek to provide an attractive vegetative relief and screening while avoiding unnecessary blockage of views and solar access.

DR-5.13.21 Limitations on Use – All manufacturing/industrial/commercial uses must comply with the Noise, Light and Glare, Fire & Safety Hazards,

Interferences of 17.22.020 PTMC.

TABLE 5

Shoreline Permitted, Conditional and Prohibited Uses and Developments.

A. Shoreline Uses - Table 5, identifies land uses in the shoreline jurisdiction that are:

P = Permitted subject to Substantial Development Permit conditions and provisions contained in this Master Program

CU = May be permitted as a conditional use.

CU/(H) = May be permitted as a conditional use on historic structures in areas adjoining the Historic Waterfront Designation

C/AU = May be permitted in or over-water as a conditional use if allowed in adjacent uplands designation.

OW= Over water

WO = Permitted if the use is “water-oriented”

(U) = Use may be permitted on the upper floors of a multi-story, mixed –use building

X = Prohibited.

Uses not listed here or otherwise permitted in the applicable sections of this Master Program, shall be considered “unclassified” and shall be processed as Conditional Uses. In addition to the notes provided in the table below, all shoreline activities and developments must be consistent with the policies and regulations throughout this Master Program.

Refer to Chapter 10 “Administration & Permit Procedures” for the review and approval process. In Chapter 10, all proposals are classified as either Type II “minor” permits or “Type III” permits, requiring a hearing before the city’s Hearing’s Examiner.

B. Development standards – Table 5 also establishes development standards, specifically height limits and setbacks. The standards contained in this Table are minimum requirements unless otherwise specified by this Master Program. A shoreline variance may be granted to avoid denying all reasonable use of private property in” violation of constitutional or statutory limitations on regulation.”. Applicants are encouraged to setback further and to allow opportunity for restoration of impaired ecological functions.

C. Aquatic: To protect critical saltwater habitats, limitations of activities and structures in critical saltwater habitats may apply, See Policy 6.6.2.

	Aquatic	**Natural**	**Conservancy**	**Shoreline Residential**	**Urban**	**Historic Waterfront**	**Notes**
Development	N/A	200 ft	200 ft	50 ft	25 ft	25 ft	1. Shoreline setbacks are

Standard Setbacks from OHWM for non water-dependent uses (1)							measured perpendicularly from the ordinary high water mark (OHWM) to the wall of the structure (s); PROVIDED that where a structure has not wall, the setback is measured to the post(s) or, if the structure has no posts, a point that is two (2) feet under the roof overhang measured from the drip line of the roof.
Height Limit	Top of deck: 15 ft above extreme high tide Overwater structures: 18ft 6in. above the deck surface. (2)	25 ft	30 ft	30 ft	35 ft (3)	Height as specified in Special Height Overlay PTMC	No setback is required for water-dependent uses, ecological restoration/habitat enhancement, public access improvements, or water- oriented recreation where allowed by the designation. However, where such development can be approved within the setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. Clearing and grading within a required shoreline setback shall only be permitted upon approval of a detailed landscape plan for revegetation, see Chapter 9, Development Regulation 9.3.6. 2. Except height limits shall not apply to flagpoles, antennas, and

							functional components of water-dependent uses (e.g., ramps for ferry operations, booms for haul-out facilities) may exceed the height limit when necessary to perform their intended function. 3. New or expanded structures within the Special Height Overlay district are subject to the specific height limits of the special overlay district codified in Chapter 17.28 of the Port Townsend Municipal Code (see Appendix D).
Specific Shoreline Development							
Advertising Signs (22)	P	X	P	P	P	P	22. As further regulated by the city's Sign Code, codified in Chapter 17.76 PTMC.
Agriculture	X	X	X	P(24)	X	X	(24) Limited to agricultural uses permitted by the underlying zoning
Aquaculture ■ For Restoration ■ Mechanical Geoduck Harvest(4) ■ Seafood Processing	 P P X	 P X X	 P N/A X	 P N/A X	 P N/A X	 P N/A X	4. In DNR tracts only. Prohibited elsewhere.
Artwork Major Minor	 CU(15) P(15)	 X X	 CU P	 P P	 P P	 P P	15 If associated with a permitted use in the Aquatic designation, otherwise prohibited
Boat Launches	C/AU	X	X	X	CU	CU	

Commercial				X			5. Further limited if use involves over-water structures, see Section 5.6.
■ Water-dependent	CU/OW[5]	X	X	X	P	P	6. Provided that home occupation businesses and bed & breakfasts may be allowed, provided they are consistent with the residential character.
■ Water-related	CU(H)	X	X	X	P	P	6a. Except for transient accommodations at Point Wilson Lighthouse see DR 5.8.3.
■ Water-enjoyment	CU/(H)	X	X	X[6]	P	P	6b. A limited range of non-water oriented as specified in Section 5.10.
■ Non-water oriented	X	X	X[6a]		CU[6b]	P	
Docks, Piers and Floats	C/AU	X	X	X	X	CU	
Dredging unless otherwise specified below:	X	X	N/A	N/A	X	X	7. Normal maintenance dredging may be exempt from a Substantial Development Permit and Conditional Use, however if the dredging expands the channel or basin, even if associated with an established facility, the dredging requires a Conditional Use permit.
■ Dredging for legally established water-dependent use	CU[7]	X			N/A	N/A	
■ Dredging associated with ecological restoration	P	P			P	P	
Dredge Spoil Disposal	CU[8]	X[8]	X [8]	X [8]	X [8]	X [8]	8. Unless associated with an approved ecological restoration/habitat enhancement project

							where dredge spoil disposal would be permitted.
Ecological Restoration/Habitat Enhancement	P	P	P	P	P	P	
Industrial and Port Facilities ■ Water-dependent ■ Water-related ■ Non-water-oriented	 CU/AU X X	 X X X	 X X X	 X X X	 X X X	 X X X	
Landfills	CU	X	X	X	X	X	
Marinas ■ Expansions ■ New	 CU X	 X X	 X X	 X X	 X X	 X X	
Mooring buoys ■ Public ■ Private	 P X	N/A	N/A	N/A	N/A	N/A	
Mining	X	X	X	X	X	X	
Parking ■ Associated with an Approved Use ■ As a Primary Use	 X (9a+b) X	 X(9b) X	 P X	 P X	 P X	 P X	9a. Except holding areas for Washington State ferry terminal operations may be permitted as a conditional use. 9b.Except parking necessary to meet ADA requirements.
Public Access	CU/H	P(10)	P(10)	P	P	P	10. Provided that no significant ecological impact will result. Where such use is permitted, the placement of structures, storage, and hard surfaces shall be limited to the minimum

							necessary for the successful operation of the use.
Recreation Facilities Water dependent Non-Water Dependent ■ High Intensity ■ Moderate Intensity ■ Low Intensity	C/AU(5) X C/AU C/AU	X X X P/WO	CU X P/WO P/WO	X X P P	CU CU P P	CU X P P	5. Further limited if use involves over-water structures, see Section 5.6.
Residential Development	X (11)	X (12)	X (12)	P	CU	P(U)	11. Except in upper floors of existing historic structures in the Historic Waterfront District where the use is permitted. 12. Except, residential use shall be allowed as a conditional use, where necessary to avoid a violation of constitutional or statutory limitations on regulations of private property.
Scientific, Cultural and Education	P (5)	P(10)	P(10)	P	P	P	5. Further limited if use involves over-water structures, see Section 5.6.
							9. Provided that no significant adverse ecological impact will result. Where such use is permitted, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use.
Shore Defense Works ■ Bulkheads and	CU/OW	X (13)	CU	CU	CU	CU	13. Except, shoreline defense works shall be

Revetments							allowed as a conditional use when necessary to protect a inhabited residential structure constructed prior to 1992, and only after alternatives have been found infeasible
Signs Interpretive/Educational	P	P	P	P	P	P	
Temporary Uses	P	X	P	X	P	P	
Transportation Facilities							14. If no other feasible alternative exists outside of the designation, roads may be permitted with a Conditional Use.
■ Water-dependent (e.g., ferry terminal)	CU/OW	X	CU	X	P	P	17. Water-enjoyment transportation facilities (e.g., non-motorized trails) are categorized as Recreational Facilities under this master program
■ Water-related (e.g., ferry loading area)	X (19)	X	X	CU	P	P	18. Roads and associated facilities including sidewalks, bike lanes, storm drainage, signage, transit stops/shelters.
(Water-Enjoyment)[17]							19. With the exception of ferry “holding”/loading areas which may be permitted as a conditional use and then only when associated with a public ferry system pursuant to Section 5.6 Aquatic of this Master Program
■ Non-Water Oriented	X	X	X	X	X	X	
■ Roads & Associated Facilities (18)	X	CU(14)	CU(14)	P	P	P	

Utilities [21]							12. Except, residential use shall be allowed as a conditional use, where necessary to avoid a violation of constitutional or statutory limitations on regulations of private property
■	Primary	CU/OW	X	CU	CU	CU	CU	16. And then, only where permitted by the "Personal Wireless Service Facilities" chapter of the PTMC.
■	Accessory	P	P	P	P	P	P	20. Provided that no other feasible alternative exists for location of the utility. 21. Unless otherwise prohibited in Section 8.16 Utilities.
Wireless [23]								23. Subject to the city's Personal Wireless Service Facilities Ordinance, codified in Chapter 17.78 PTMC.
■	Macro	X	X	X	X	P[16]	X	
■	Mini	X	X	X	X	P[16]	P[16]	
■	Micro	X	X	X	X	P[16]	P[16]	

City of Port Townsend Shoreline Environment Designation Map

Appendix A: *Map of Shoreline Environment Designations* depicts the areas under the jurisdiction of this Master Program and graphically portrays the boundaries of the City's three environment designations. There shall be only one official copy of this map, which shall be kept by the Shoreline Administrator. This official copy shall be available for public inspection at all times during normal business hours. Unofficial copies shall be included as part of all distributed copies of this Master Program.

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[1] The small restaurants located at The Boat Haven serve the public, recreational boaters, and employees working within the district.

[2] Point Hudson as a whole constitutes a mixed-use development. It is held under one ownership

and contains water-dependent, water-related, water enjoyment and a limited range of non-water oriented uses often combined within one structure. It is not the intent of this Master Program to require water-dependent uses within each building containing a mix of uses. Therefore, the terminology used herein is “mix of uses” rather than “mixed use development” which, per WAC 173-26-201 would imply water-dependent uses within each building.

Chapter 6
Environmental Protection

SECTIONS:

6.1 Introduction

6.2 Organization

6.3 Impacts, Mitigation, Bonding and Monitoring

6.4 Environmental Elements

6.5 Critical Areas-General

6.6 Critical Saltwater Habitats

6.7 Frequently Flooded Areas and Tsunami Inundation Areas

6.8 Geologically Hazardous Areas

6.9 Wetlands

6.1 Introduction

The intent of this chapter is to provide policies and regulations that protect the shoreline environment as well as the critical areas found within the shoreline jurisdiction. These policies and regulations apply to all uses, developments and activities that may occur within the shoreline jurisdiction regardless of the Shoreline Master Program environment designation. They are to be implemented in conjunction with the specific use and activity policies and regulations found in this Master Program. The Shoreline Management Act (SMA) mandates the preservation of the ecological functions of the shoreline by preventing impacts that would harm the fragile shorelines of the state. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources (WAC 173-26-201(2)(C)). The SMA also mandates that local master programs include goals, policies and actions for the restoration of impaired shoreline ecological functions to achieve overall improvements in shoreline ecological functions over time (WAC 173-26-201(f)). The environment protection policies and regulations of this Master Program address general environmental impacts and critical areas. General environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-666). This chapter is not intended to limit the application of SEPA. The provisions of Ordinance 3198, May 21, 2018, and codified in Chapter 19.05 of the Port Townsend Municipal Code, Critical Areas, are hereby incorporated by reference into this Master Program (Appendix E). The standards contained in the Critical Areas Chapter of the Municipal Code apply equally to critical areas contained within the jurisdiction of this Master Program. It should be noted that reasonable uses exceptions (19.05.050(D)) within shoreline jurisdiction will require a shoreline variance. Furthermore, in cases where definitions, procedures, or standards of this Shoreline Master Program are inconsistent with related provisions in Chapter 19.05, provisions of the Port Townsend Shoreline Master Program shall prevail. (Note: A Shoreline Master Program amendment will be required for any future amendments to critical areas provisions incorporated by reference into the PTSMP.)

6.2 Organization

This chapter first presents General Environmental Policies and Regulations including analysis of impacts, mitigation, bonding, and monitoring. Second, policies and regulations protecting the broad elements that comprise the shoreline environment (e.g., earth, air, and water) are provided. And, finally, it presents policies and regulations for "critical areas" including: Wetlands, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat conservation areas. These critical areas are also protected under the Critical Areas regulations of the Port Townsend Municipal Code, PTMC Chapter 19.05 (Appendix E). Regulations for the protection of critical aquifer recharge areas are dealt with in the critical areas ordinance.

6.3 Impacts, Mitigation, Bonding and Monitoring

Management Policies

Policy 6.3.1 Protect the environment through implementation of this Master Program in concert with the City's Critical Areas Ordinance and through the use of the AMRRC mitigation sequence (Avoid, Minimize, Rectify, Reduce, Compensate) (WAC 173-26-201(e)).

Policy 6.3.2 Minimize the adverse impacts of shoreline developments and activities on the natural environment during all phases of development (e.g., design, construction, operation, and management).

Policy 6.3.3 Assure, at a minimum, that development and use within the shoreline's jurisdiction result in no net loss of ecological functions necessary to sustain shoreline natural resources. Development activities shall protect existing ecological functions and ecosystem wide processes.

Policy 6.3.4 Encourage shoreline developments or activities that serve to enhance ecological functions and/or values and those that protect and/or contribute to the long-term restoration of properly functioning conditions for proposed, threatened and endangered species consistent with the fundamental goals of this Master Program.

Policy 6.3.5 Ensure, through appropriate monitoring and enforcement measures, that all required conditions are met, improvements installed, and properly maintained.

Development Regulations

General

DR-6.3.1 All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or compensate for the environmental impact) shall follow that listed in WAC 173-26-0201((2)(e), see also definition of "Mitigation," listed in this Master Program).

DR-6.3.2 In approving shoreline developments, the City of Port Townsend shall ensure that shoreline development, use, and/or activities will result in no net loss of ecological functions necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time to the extent consistent with constitutional and statutory limitations on the regulation of private property. To this end, the City may require modifications to the site plan and/or adjust or prescribe project dimensions, intensity of use, and screening as deemed appropriate. If impacts cannot be avoided through design modifications, the City shall require mitigation commensurate with the project's adverse impacts.

DR-6.3.3 Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial consistent with constitutional and statutory limitations on such denials.

Mitigation

DR-6.3.4 Where mitigation for loss of or impact to shoreline ecological functions is required, a mitigation plan shall be required. Mitigation plans shall be prepared by a qualified professional as determined appropriate by the Shoreline Administrator. In addition to the requirements for critical areas special reports contained in Chapter 19.05, the mitigation plan shall contain the following:

a. Inventory existing shoreline environment including the physical, chemical and biological elements and provide an assessment of their condition.

b. A discussion of the project's impacts and their effect on the ecological functions necessary to support existing shoreline resources.

c. A discussion of any federal, state, or local special management recommendations which have been developed for wetlands or nearshore species or habitats located on the site;

d. An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal;

e. A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity.

f. Planting and soil specifications; success standards; and contingency plans;

g. A discussion of proposed measures which mitigate the impacts of the project to ensure no net loss of shoreline ecological functions and proposed success criteria;

h. An evaluation of the anticipated effectiveness of the proposed mitigation measures to ensure no net loss of ecological functions;

i. A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and, after the project site has been fully developed, including proposed monitoring and maintenance programs;

j. Contingency plan if the mitigation fails to meet established success criteria;

k. Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.

Mitigation plans and/or Critical Areas special reports shall be forwarded to the appropriate state and/or federal resource agencies for review and comment.

DR-6.3.5 On-site compensatory mitigation shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to shoreline ecological functions and values and meets the standard of no net loss. Where appropriate, on-site mitigation within the same drift cell should be considered first when it is mitigation for impacts that disrupt a drift cell.

DR-6.3.6 If off-site mitigation is implemented, the applicant must demonstrate, to the satisfaction of the Shoreline Administrator that the mitigation site will be protected in perpetuity. This may be accomplished through various means including but not limited to dedication of a permanent easement to the city or approved non- profit entity; participation in a publicly sponsored restoration or enhancement program or purchase of credits from a state certified mitigation bank in accordance with Chapter 90.86 RCW 84 (Wetlands Mitigation Banking).

DR-6.3.7 Where feasible, replacement mitigation shall be required prior to impact and, at a minimum, prior to occupancy.

Bonding

DR-6.3.8 Performance or maintenance bonds or other security may be required by the City to assure that work is completed, monitored and maintained.

Monitoring

DR-6.3.9 As a condition of approval, the City may require periodic monitoring for up to five years from the date of completed development to ensure the success of required mitigation. The monitoring period may be extended if the success criteria set forth in the approved mitigation plan fail to be accomplished, or the mitigation plan has a longer horizon.

DR-6.3.10 Monitoring plans shall be forwarded, for review and comment, to state and/or federal resource agencies with jurisdiction.

6.4 Environmental Elements

Management Policy

Policy 6.4.1 Protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to waters of the state and their aquatic life. This section provides policies and regulations to address environmental impacts to the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197- 11-600 and WAC 197-11-666). It is not intended to limit the application of SEPA.

Development Regulations (In Alphabetical Order)

Air

DR-6.4.1 In approving shoreline development, uses or activities, the Shoreline Administrator may apply conditions to control emissions, including any compounds, chemicals, pollutants, odors, fugitive dust, or vehicle exhaust with the intent of avoiding significant adverse impacts to the legal use of adjoining properties and ensuring adherence to the guidelines, policies, standards and regulations of applicable air quality management programs and related regulatory agencies.

Archaeological/Historical/Cultural Impacts

Applicability: The following provisions apply to archaeological and historic resources whose presence are either recorded at the State Historic Preservation Office and/or by the City of Port Townsend or such resources that are uncovered during development activities.

DR-6.4.2 Wherever practicable, consistent with constitutional and statutory limitations, public or private developments shall be prevented from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.

DR-6.4.3 All shoreline permits shall contain provisions that require developers to immediately stop work and immediately notify the State Historic Preservation Officer, appropriate Native American Tribes and the City of Port Townsend if any items of archaeological interest are uncovered during excavation. In such cases, the developer shall allow site inspection and evaluation by a professional archaeologist and tribal representative to ensure that all possible valuable archaeological data are properly salvaged.

Work should not resume until approval is obtained from the Shoreline Administrator.

DR-6.4.4 Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 (Archaeological sites and records) and development or

uses that may impact such sites shall comply with Chapter 25.48 WAC (Archaeological excavation and removal permits) as well as the provisions of this section.

DR-6.4.5 Where archaeological or historic sites have been identified, the city may require public access consistent with constitutional and statutory limitations, provided the development is consistent with the provisions for public access and provided further it is determined that public access to the site will not damage or reduce the cultural value of the site.

Earth

DR-6.4.6 All shoreline uses and activities shall be located, designed, constructed and managed to minimize interference with beneficial natural shoreline processes such as littoral drift, sand and gravel movement, erosion, and accretion. For projects proposing clearing and grading see Section 9.3 Alteration of Natural Landscape – Clearing, Grading and Vegetation Removal, Chapter 9 Specific Modification Policies and Performance Standards.

DR-6.4.7 Gravel and sand bars and other accretion shore forms (e.g., Point Wilson and the sand bar protruding northerly from the tip of Point Hudson) are naturally unstable environments. They are valued for recreation and in some cases may provide habitat. Therefore, new development of these shore forms is prohibited and modification shall be allowed only to protect existing occupied structures.

Furthermore, developments that could disrupt the processes benefiting these shore forms shall be carefully evaluated and allowed only when the impacts of such disruption can be adequately mitigated, and where there is a demonstrated public benefit.

DR-6.4.8 An erosion and sedimentation control plan shall be submitted with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. Said program shall conform to the City of Port Townsend's Engineering Design Standards and shall at a minimum, utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

Noise

DR-6.4.9 Noise emanating from a shoreline use/activity shall be muffled so as to not to interfere with the designated use of adjoining properties. This determination shall take into consideration ambient noise levels, intermittent beat, frequency, and shrillness. Shoreline developments/activities shall comply with the maximum permissible noise levels and time limits set forth in Port Townsend Municipal

Code Chapter 9.09 (Noise). Exception: This regulation does not apply to foghorns, tsunami warning or other emergency warning systems

Pesticides and Fertilizers, Application of: (Pesticides include herbicides and algaecides)

DR-6.4.10 Chemical pesticides using aerial spraying techniques within the shoreline jurisdiction, including over water bodies or wetlands, shall be prohibited unless specifically permitted under the Washington Departments of Agriculture or Public Health.

DR-6.4.11 Pesticides, organic or mineral derived fertilizers, or other hazardous substances, if necessary shall be restricted in accordance with the a) state Department of Fish and Wildlife Management Recommendations b) the regulations of the state Department of Ecology as the Environmental Protection Agency's delegated authority and permitting body for the application of pesticides and herbicides to the waters of Washington State, and c) pesticide labels as per the authority of the state Department of Agriculture.

DR-6.4.12 Pesticides shall be used, handled, and be disposed of in accordance with provisions of the Washington State Pesticide Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.57) to prevent contamination and sanitation problems.

DR-6.4.13 Pesticide products commercially applied for terrestrial use usually include information on how far to stay away when applying near water. If there were a chance of a product entering the water, the product should be labeled for aquatic use. Only products approved by the Washington State Departments of Agriculture, and Ecology for aquatic use can be applied to Washington State waters.

Activities to be conducted using these products should take place under one of the Department of Ecology's general NPDES permits for aquatic pesticides. In some cases labeling information for commercial products may indicate the need for larger aquatic buffers and other restrictions when used near salmon-bearing waters. See http://www.epa.gov/oppfead1/endanger/wtc/maps.htm for product details and changes due the lawsuit between the Washington Toxics Coalition and US Environmental Protection Agency.

DR-6.4.14 Application of pesticides by commercial applicators requires licensing through the Washington State Department of Agriculture. Information on licensing can be found at http://agr.wa.gov/PestFert/LicensingEd/CaSpiInfo.htm.

DR-6.4.15 Integrated Pest Management (IPM) principles shall be used when applying pesticides and herbicides within the shoreline jurisdiction of the SMP. Application of pesticides to areas outside of the SMP shoreline jurisdiction that might have an affect on this jurisdiction should also follow these practices. IPM can be defined as a

coordinated decision-making and action process that uses the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet pest management objectives.

Public Health & Safety

DR-6.4.16 All shoreline developments shall be located, designed, constructed, and operated so as not to be a hazard to public health and safety.

View Protection/Aesthetics

DR-6.4.17 The protection of public views of the shoreline is an important shoreline management objective. View protection can include preventing view blockage through height limitations or requiring aesthetic enhancement with landscaping. View protection does not justify the excessive removal of vegetation to create views or enhance partial existing views. Retaining vegetation and “windowing” or other pruning techniques should always be preferred options over vegetation removal. Please refer to Chapter 9, Section 9.3, Alteration of Natural Landscape – Clearing, Grading and Vegetation Removal Chapter 7, Public Access.

DR-6.4.18 New development shall be located and designed to avoid or minimize adverse impacts to views from public vista points.

DR-6.4.19 The height of new or expanded buildings shall be limited consistent with the restrictions of Chapter 5. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

DR-6.4.20 Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to prevent light and glare from negatively impacting neighboring properties, streets, public areas or water bodies.

DR-6.4.21 New development, uses and activities shall locate and screen trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views. Exceptions may be permitted for security fencing.

Water Quality

DR-6.4.22 The bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, shall not occur in shorelines without adequate secondary containment and an emergency spill response plan in place.

DR-6.4.23 All development activities approved under this Shoreline Master Program shall be designed and maintained consistent with the City's Stormwater Management Plan and Engineering Design Standards. In addition, the City encourages utilization of Low Impact Development principles and practices such as setbacks, retaining land cover, and reducing impervious areas, and special caution to avoid infiltration of stormwater in shoreline areas along marine bluffs. (See the 2005 Low Impact Development Technical Guidance Manual for Puget Sound as guidance in this regard.)

DR-6.4.24 As a condition of approval of a permit issued in accordance with this master program, the Shoreline Administrator may apply the following conditions to protect water quality:

a. The development, use or activity shall utilize Best Management Practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff to protect the quality and quantity of surface and ground water. Such measures may include but are not limited to catch basins or settling ponds, installation and required maintenance of oil/water separators, biofiltration swales, interceptor drains and landscaped buffers.

b. The release of oil, chemicals (including pesticides and herbicides), fertilizer or hazardous materials onto land or into the water is prohibited within the shoreline jurisdiction.

c. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

6.5 Critical Areas - General Management Policies

Policy 6.5.1 Protect unique, rare, and fragile environments, including wetlands and fish and wildlife habitat conservation areas from impacts associated with development.

Policy 6.5.2 Locate and design development to minimize risks to people, property and other critical areas associated with geologic and flood hazard areas.

Policy 6.5.3 Provide a level of protection to critical areas that is equal to or greater than the level of protection provided by the adopted Port Townsend critical areas regulations. Recognizing this, the City explicitly elects to make its critical areas regulations as adopted by Ordinance 3198, May 21, 2018, and codified in Chapter 19.05 PTMC applicable to critical areas within shoreline jurisdiction. It should be noted that while activities in shorelines jurisdiction are subject to compliance with critical areas regulations, critical area permits

(19.05.040) are not issued in shoreline jurisdiction, and that reasonable uses exceptions (19.05.050(D)) within shoreline jurisdiction will require a shoreline variance. Furthermore, in cases where definitions, procedures, or standards of this Shoreline Master Program are inconsistent with related provisions in Chapter 19.05, provisions of the Port Townsend Shoreline Master Program shall prevail. Additional limitations to how the Critical Areas Ordinance (CAO) wetland provisions (19.05.110) apply within shoreline jurisdiction are detailed in Section 6.9 below. (Note: A Shoreline Master Program amendment will be required for any future amendments to critical areas provisions incorporated by reference into the PTSMP.)

Development Regulations

DR-6.5.1 Development and uses proposed within the shoreline shall meet the requirements of the City's Critical Areas Ordinance 3198, May 21, 2018, and codified in Chapter 19.05 PTMC, Critical Areas in addition to the requirements of this Master Program (Appendix E).

6.6 Critical Saltwater Habitats (Fish and Wildlife Habitat Conservation Areas)

This section provides policies and regulations that apply to critical saltwater habitats as defined by WAC 173-26-221(2)(c)(iii). These policies and regulations apply in addition to the critical areas protection standards for fish and wildlife habitat conservation areas found in PTMC Chapter 19.05.

Kelp beds, eelgrass beds, herring spawning areas, smelt and sand lance spawning areas and other critical saltwater habitats are classified as fish and wildlife habitat conservation areas and are designated as "critical areas" in WAC 365-190-080(5)(a)(6). The guidelines for classifying critical areas also include commercial and recreational shellfish areas. The Department of Fish and Wildlife has identified the following habitats of special concern: kelp beds, eelgrass beds, herring spawning areas, sand lance spawning areas, smelt spawning areas, juvenile salmonid migration corridors, rock sole spawning beds, rockfish settlement and nursery areas, and lingcod settlement and nursery areas.

In addition, it's important to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries, such as juvenile salmon (RCW 36.70A.172), some of which are classified as "Threatened" under the Endangered Species Act. Critical fish and wildlife habitat conservation areas include, but are not limited to, areas with which endangered, threatened, and sensitive species have a "primary association" (see WAC 365-190-080(5)(a)(i)). Critical Saltwater Habitats include these "primary association" areas. Examples of "primary association" areas include, but are not limited to, the following:

a. Shallow water/low gradient habitats along shorelines

b. Migratory corridors that allow juvenile salmon to move within and between habitats (e.g., beaches, as well as eelgrass, kelp, etc.). In addition, a diversity of shoreline habitats is essential for providing adequate functions for juvenile salmon.

Appendix F provides a list of critical salt-water habitats. Those that are known to occur along the shores of Port Townsend have been marked accordingly. Critical habitats were mapped in conjunction with the City's Shoreline Inventory (2002) and Atlas (2002) prepared in conformance with WAC 173-26-201.

Management Policies

Policy 6.6.1 Protect critical salt-water habitats in recognition of their importance to the marine ecosystem of the City of Port Townsend and the State of Washington. These habitats provide critical reproduction, rearing and migratory nursery areas for valuable recreational and commercial species. They provide habitat for many marine plants, fish and animals.

Policy 6.6.2 Prohibit, with limited exceptions, uses, activities and structures in critical saltwater habitats. Exceptions may be allowed for public or semipublic facilities (e.g. water-dependent recreational or transportation facilities or utilities) where no alternative location is available.

Policy 6.6.3 Protect the composition of the beach and bottom substrate. Developments within or adjacent to the shoreline jurisdiction where critical salt water habitats exist, should not directly or indirectly change the composition of the beach and bottom substrate. Habitat enhancement and restoration projects should change beach or bottom substrata only when appropriate to restore or enhance these habitats.

Policy 6.6.4 Avoid indirect impacts on critical saltwater habitats by appropriately locating and designing developments beyond the standard setback.

Development Regulations

DR-6.6.1 Structures, developments, and uses, including marinas, docks, piers, mooring areas, underwater parks, utilities, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless the applicant can show that all of the following criteria can be met:

a. An alternative alignment or location is not feasible.

b. The project is designed to minimize its impacts on critical saltwater habitats and the shoreline environment.

c. Impacts to critical saltwater habitat functions are mitigated to result in equal or better ecological function.

d. The facility is a public or semipublic facility (e.g., water-dependent recreational or transportation facility or utility) and is in the public interest.

DR-6.6.2 In areas not previously identified as critical saltwater habitat, the project proponent shall submit appropriate reconnaissance-level

studies to determine whether critical saltwater habitats exist, whenever the following two conditions are applicable:

a. The proposed development, use or activity has the potential to cause significant adverse affects to a critical saltwater habitat; and

b. The beach or saltwater area that may be impacted by the proposed development, use or activity is the type of environment in which a critical saltwater habitat typically occurs.

DR-6.6.3 Except as a habitat improvement or restoration measure, aquatic herbicide treatments, mechanical removal of vegetation and aquatic pesticide treatments shall not be used on critical salt-water habitats.

DR-6.6.4 Sand, gravel or other materials shall neither be added nor removed from critical salt-water habitats, except when part of an approved restoration effort or as allowed in DR-6.6.1, above.

DR-6.6.5 New outfalls (including stormwater and sewer outfalls) and discharge pipes shall not be located in critical salt water habitats or areas where outfall or discharge will adversely affect critical salt water habitats unless the applicant can show that all of the following can be met:

a. There is no alternative location for the outfall or pipe.

b. The outfall or pipe is placed below the surface of the beach or bed of the water body.

c. The outfall discharges waterward of the subtidal zone

d. The disturbed area will be revegetated with native 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 salt-water habitats.

6.7 Frequently Flooded Areas and Tsunami Inundation Areas

Portions of Port Townsend's shoreline are subject to periodic flooding that may result from factors including, but not limited to, unusual amount of rainfall over a short period of time, high tides, and wind driven waves. Tsunamis also pose a less frequent, but potentially more hazardous, type of flooding event.

Management Policies

Policy 6.7.1 Ensure that new development in areas prone to periodic flooding comply with the City's Flood Damage Prevention standards (Chapter 16.08, PTMC) to minimize health hazards and property damage due to flooding.

Policy 6.7.2 Develop, enhance, and implement education programs aimed at mitigating natural hazards, and reducing the risk to citizens, public agencies, private property owners, businesses and schools.

Policy 6.7.3 Encourage development of acquisition and management strategies to preserve open space for flood mitigation, fish habitat, and water quality in frequently flooded areas.

Policy 6.7.4 Coordinate and support the development of improved tsunami warning systems.

Development Regulations

DR-6.7.1 All new development and new uses within the jurisdiction of this Master program shall comply with the provisions of Chapter 16.08 Flood Damage Prevention, PTMC and the Critical Areas Ordinance (Appendix E).

6.8 Geologically Hazardous Areas

Geologically hazardous areas are areas susceptible to severe erosion; slide activity, or other geologic events. In the Port Townsend shoreline, high marine bluffs are the most visible type of geologically hazardous area, although seismic, tsunami and erosion hazards have also been mapped.

The more severe hazard areas are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety. Vegetation removal during construction and development of adjacent properties alters surface runoff and ground water infiltration patterns that 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 the primary source of sand and gravel found on beaches including accretion beaches (gravel bars, sand pits and barrier beaches). Extensive “hardening” of feeder bluff areas can eventually starve beaches down drift of the bluff, resulting in lowered beach profiles and the potential for increased erosion. Changes in the beach substrate resulting from reduced sediment deposition may result in negative habitat impacts. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline.

Management Policies

Policy 6.8.1 Ensure that new development or the creation of new lots does not cause any foreseeable risk from geological conditions to people or improvements during the life of the development.

Policy 6.8.2 Permit development in such a manner and only in locations where no slope protection (e.g. bulkheads, rip-rap, retaining walls, etc.) is necessary or where nonstructural protection (e.g., vegetated buffers) is sufficient for the life of the project (75 years)

Policy 6.8.3 Ensure that proposals are designed and constructed in a manner that does not increase or result in slope instability or sloughing.

Policy 6.8.4 Allow shoreline modifications or other measures to protect existing primary structures only when they are demonstrated to be

necessary, when no alternatives including relocation or reconstruction of existing primary structures are found to be feasible, and when the modifications are found to comply with the policies and regulations of this Master Program for modifications

(See chapter 9) as well as the requirements of WAC 173-26-231 (Shoreline Modification requirements). Preference should be given to those types of shoreline modifications that have a lesser impact on ecological functions. Assure that modifications individually and cumulatively will result in no net loss of ecological functions.

Development Regulations

Applicability: In addition to the critical areas protection standards for Geologically Hazardous Areas are set forth in the Critical Areas Ordinance (Appendix E), the following shall apply for areas within shorelines jurisdiction. Note that in addition to the buffers applied therein, vegetation preservation may be required by Chapter 9 Specific Modification Policies and Performance Standards.

DR-6.8.1 Section 19.05.100E(3) of the PTMC allows for reduced buffers for existing platted lots when necessary to allow development of a single-family residence. In no case shall the reduced buffer width be less than a distance equal to the sum of the bluff erosion rate over at least 75 years plus 20-feet from the crest; or ten-feet from the sides and the toe of a marine bluff.

DR-6.8.2 Pursuant to the critical areas ordinance, 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) and in such a way that erosion will not be exacerbated and that physical access along the shoreline is not degraded. Furthermore, conditions may be applied to mitigate for aesthetic impacts of drainage systems as viewed from public areas.

6.9 Wetlands

Wetlands are those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland directly impacts water quality and stormwater control by trapping and filtering surface and ground water. Wetlands also provide valuable habitat for fish and wildlife. Because of the difficulty in replacing these rare and valuable areas, these regulations control development adjacent to and within wetlands, and limit the amount of wetlands, which may be altered. The purpose of these regulations is to protect the public from harm by preserving the functions of wetlands and streams as recharge for ground water, flood storage, floodwater conveyance, habitat for fish and wildlife, sediment control, pollution control, surface water supply, aquifer recharge and recreation. Wetlands in Port Townsend are characterized by hydric soils, water-tolerant plants (hydrophytes), and surfaces that are either saturated or inundated with water for a specified period of time.

Management Policies

Policy 6.9.1 Preserve and protect wetland ecosystems, and mitigate impacts, so that there is no net loss of wetland acreage and functions. Where feasible, improve wetland quality. Maintaining or restoring vegetated buffers is the preferred method for protecting/improving wetland functions.

Policy 6.9.2 Prevent adverse impacts to wetland functions by controlling all activities that could potentially affect wetland ecosystems whether the activity is located within or adjacent to shorelines jurisdictional wetlands or their buffers.

Policy 6.9.3 Encourage in-kind replacement of functional wetland values as the preferred mitigation. Where in- kind replacement is not feasible or practical due to the characteristics of the existing wetland, provide ecological resources of equal or greater value, preferably within the same hydrologic sub-basin.

Policy 6.9.4 Coordinate proposals for mitigation, creation, or enhancement with appropriate resource agencies to ensure adequate design and consistency with local, state and federal regulatory requirements.

Policy 6.9.5 Develop wetland education programs to increase awareness of the importance of wetlands and to inform the citizenry of protective wetland regulations. The City of Port Townsend should distribute wetland education materials to the public, including schools, landowners, and developers in the Port Townsend area.

Policy 6.9.6 Seek regional solutions to wetland mitigation through coordinated planning with state and federal agencies, Jefferson County, port authorities and the public.

Development Regulations

Applicability: In addition to the regulations set forth in the Critical Areas Ordinance (Appendix E), the following shall apply for activities proposed within shorelines jurisdiction:

DR-6.9.1 All development, development proposals and alterations that are located within or adjacent to shoreline jurisdictional wetlands or their buffers, or that are likely to significantly impact shoreline jurisdictional wetlands (regardless of their location, and regardless of whether or not a critical areas permit is specifically required for the activity under PTMC 19.05.040) shall prepare a wetland analysis [PTMC 19.05.030(C)]. The wetland analysis shall include the wetland rating (using the Washington State Wetland Rating System for Western Washington (2014) or as revised by Ecology), a functional assessment of potential buffers (based on Ecology's best available science for wetlands), and notes of any water features and other critical areas and their related buffers in the proximity of the wetland.

DR-6.9.2 In those limited circumstances where alteration of a wetland or its buffer is allowed, the proponent shall provide mitigation to achieve no net loss of wetland function or acreage, according to an approved mitigation plan prepared consistent with this Master Program and Chapter 19.05 PTMC.

DR-6.9.3 Specific CAO provisions (19.05.110 Critical Areas 5 – Wetlands) are modified as follows for application within shoreline jurisdiction:

a. **B. Classification; 4(b) Category II Wetlands** - (i) Estuarine wetlands smaller than one acre or coastal lagoons smaller than 1/10-acre, or disturbed estuarine wetlands larger than one acre or disturbed coastal lagoons larger than 1/10-acre;

b. **D. Performance Standards for Development; 5. Exemptions from Avoidance Requirement** - (a)(iv) Do not score 6 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication # 14-06-029, or as revised);

c. **D. Performance Standards for Development - 6. 6. Stormwater Management**. A wetland or its buffer may be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP only if all of the following criteria are met:

a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of 3-5 points, and

b. There will be “no net loss” of functions and values of the wetland, and

c. The wetland does not contain a breeding population of any native amphibian species, and

d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach,” (available here: http://www.ecy.wa.gov/biblio/0906032.html); or the wetland is part of a priority restoration plan that achieves restoration goals identified in the Shoreline Master Program or other local or regional watershed plan, and

e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing, and

f. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits, and

g. Modifications that alter the structure of a wetland or its soils shall be appropriately permitted. Existing functions and values that are lost shall be compensated/replaced.

Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers.

However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site;

d. **Table A Buffer Widths; Category I Wetlands** - High level of function for water quality improvement (8-9 points) and low for habitat (less than 6 points); Category II Wetlands - High level of function for water quality improvement and low for habitat (score for water quality 8 – 9 points; habitat less than 6 points);

e. **G. Buffers and Setbacks; 6. Buffer Width Averaging** - (c) In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer or be less than 25 feet.

f. **H. Compensatory Mitigation Requirements** - 2. Mitigation shall be required, and the applicant shall demonstrate such actions, in the following order of preference:

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 during the life of the action;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

f. Monitoring the impact and taking appropriate corrective measures.

Chapter 7
Shoreline Public Access

SECTIONS:

7.1 Introduction

7.2 Background

7.3 Public Access Policies

7.4 Public Access Development Regulations

7.1 Introduction

Port Townsend is a uniquely situated jurisdiction. An attractive destination for travelers because of the geography and historic setting, it is also a stop along the state highway linking to Whidbey Island and points north and east. The State Parks, Centrum, and the Wooden Boat Festival, among others, attract large numbers of visitors from far and wide annually. Inarguably, the economic vitality of the City is bolstered by the public access to and enjoyment of the shorelines.

Shoreline public access is the physical ability of the general public to reach and touch the water's edge or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, including docks and piers, boat launches, pathways and trails, promenades, street ends, picnic areas, beach walks, viewpoints and others.

An important goal of the Shoreline Management Act is to protect and enhance public access to the state's shorelines. Specifically, the SMA states:

RCW 90.58.020: "[T] he 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.

"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for...development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

Public access and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable water bodies.

Requiring public access on privately owned property as a condition of development has been the subject of considerable legal review. Our state Constitution and the U.S. Constitution provide both the authority for conducting the activities necessary to carry out the Shoreline Management Act and significant limitations on that authority. While the SMA stresses the need for public access, our state and the U.S. Constitution provide for protection of certain private property rights.

Where public access is required as a permit condition, the courts have stated that there must be a rational and roughly proportionate connection between the project's impact on public access and the public access requirement. Certain state statutes, such as RCW 82.02.020, also impose limitations on the regulation of private property.

7.2 Background

This Public Access Chapter is preceded by several planning efforts to maintain and enhance public access to the shoreline in Port Townsend. The public access policies and strategies included in this Master Program build on those established in past planning documents.

Relevant policies and development guidelines from two of these plans, the 1990 Port Townsend Urban Waterfront Plan and the 1992 Comprehensive Public Access Plan, have been incorporated into this Master Program. Recommended public access enhancement projects are described in Appendix G. To facilitate permit administration, the "stand alone" plans shall be retired upon adoption of the Master Program.

1990 Port Townsend Urban Waterfront Plan identified the importance of providing and maintaining safe and convenient public access to Port Townsend's shoreline. The Urban Waterfront Plan specifically encouraged provisions for a "Waterwalk Trail" route.

1992 Comprehensive Public Access Plan - In keeping with the special character of Port Townsend, the 1992 Comprehensive Public Access Plan intended to celebrate the special qualities found along the waterfront by recommending modest access improvements coordinated with existing informal trails, street ends and access points. The 1992 Comprehensive Public Access Plan also included specific design guidelines intended to help developers and permit administrators in providing well-designed public access improvements.

Following are three additional plans implementing public access provisions that remain in effect and shall be implemented in concert with this Shoreline Master Program include:

Gateway Development Plan – Adopted by the City Council in August 1993, the Gateway Plan identifies specific transportation improvements for capital development and establishes development guidelines for the Sims Way/S.R. 20 corridor from the Port Townsend City limits to the Washington State Ferry Terminal. Guidelines within the Gateway plan focus on traffic safety, streetscape improvements and aesthetics, and economic vitality.

Non-Motorized Transportation Plan (NMTP) – A functional plan, expressly required by the City's Comprehensive Plan, the NMTP is guides and promotes the development of improved facilities for pedestrians (including those in wheel chairs), bicyclists, and transit users. It is primarily a transportation plan that seeks to identify a network of pedestrian walkways, and bikeways to connect neighborhoods with parks, schools, commercial areas, and other destinations. Enhancement of recreational opportunities is a secondary benefit that accrues from the NMTP

Parks, Recreation, and Open Space Plan – Also a functional plan, required by the City's Comprehensive Plan, the Parks, Recreation & Open Space Plan documents park, recreation, and open space needs. The plan provides focus and direction for future development of programs, facilities and funding sources.

7.3 Public Access Policies
General Policies

Policy 7.3.1 Seek to maintain and enhance public access, both physical and visual, throughout the City's shoreline. Access should be provided for a range of users including pedestrians, bicyclists, boaters and, to the extent feasible, people with disabilities. Access opportunities should be varied, ranging from urban water walks to viewing platforms of natural areas.

Policy 7.3.2 Encourage the use of public access facilities to actively educate and inform the public on the importance of environmental protection of the shoreline jurisdiction. Work in partnership with local entities (e.g., Jefferson Marine Resources Committee, WSU Jefferson Extension, Port Townsend Marine Science Center, North Olympic Salmon Coalition, Jefferson Conservation District, Hood Canal Coordinating Council, and others) to implement this policy.

Policy 7.3.3 Locate and design public access in a manner that does not interfere with ecological functions or wildlife habitat.

Policy 7.3.4 Link recreational and public access opportunities together via trails, beach walks and water routes whenever appropriate. Where practical, access points link to non-motorized transportation routes, such as bicycle and hiking paths, and kayak/canoe routes.

Policy 7.3.5 Along the Historic Waterfront and Urban environments, seek a public pedestrian walkway system (dubbed urban water walk) utilizing a combination of natural beaches, pathways, piers, wharves, street-ends, sidewalks, stairways, or other improvements. Although it may not be feasible for the walkway system to be continuous along the water's edge throughout the entire area, it should promote quality pedestrian access to and along major portions of the waterfront. The public's ability to physically walk along the beach is a priority and thus extending boardwalks over the beach should be limited. Recommendations for the urban water walk are included in Appendix G.

Policy 7.3.6 Incorporate public access provisions into the review and approval of all public and private development projects including land divisions. Exceptions may be considered for the following:

a. Single-family dwelling units;

b. Where deemed inappropriate due to health, safety and environmental concerns; and

c. Restoration projects.

Policy 7.3.7 Require new development that impacts public access to mitigate

through the provision of on-site visual and physical public access, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline. In lieu of on-site improvements, the Shoreline Administrator may allow for off-site improvements if said improvements would provide a greater public benefit (WAC 173-26-221 (4)(c) and (d)).

Policy 7.3.8 Preserve and enhance public views from the shoreline upland areas. Enhancement of views should not be construed to mean excessive removal of native vegetation that partially impairs views.

(See Section 9.3, Chapter 9, Alteration of Natural Landscape – Clearing, Grading and Vegetation Removal).

Policy 7.3.9 Foster public access through a variety of approaches including purchase of key segments, encouraging public and private partnerships, and working with developers to explain the benefits of incorporating public access and recreation.

Beachwalks

Policy 7.3.10 Preserve beachwalks as unimproved public access. Beachwalks are unmarked sections of intertidal land upon which the public has rights of passage in accordance with the Public Trust Doctrine. Beachwalks by definition are usually not passable on a 24-hour basis due to tidal action.

Street Ends

Policy 7.3.11 Encourage the use of street ends and other publicly owned or controlled lands to increase public access to shoreline areas.

Policy 7.3.12 Develop street end access and viewpoints. Improvements to and linkages between these street-ends should be determined by the physical characteristics of the shorelines, existing development patterns, potential for structural improvements, and other factors relevant to developing a continuous pedestrian system. Street ends appropriate for shoreline access/viewpoints include but are not limited to:

a. South shore: Thayer, Decatur, Kearney, Gaines, Scott, Walker, Calhoun, Tyler, Adams, Quincy, and Monroe Streets;

b. East shore: Clay, Taft, Reed, W Street;

c. North shore: Gise Street, Cook Avenue, and Elmira Street;

d. Kah Tai Lagoon: Garfield Street.

Policy Ensure that use of street ends for parking does not physically block

7.3.13 public access to the shoreline or degrade the scenic qualities of the City as viewed from the water. (See Parking Facilities, Section 8.11, Chapter 8)

Policy 7.3.14 Identify and bring into compliance uses that unlawfully encroach on public access areas, unless a street use agreement has been made between the City of Port Townsend and the proponent of the use.

Policy 7.3.15 Develop a prioritized list of improvements to street ends. Cost effectiveness shall be a key element in prioritizing the proposed improvements. Recommended street end improvements are provided in Appendix G.

Design

Policy 7.3.16 Public access improvements should be designed and constructed to:

a. Look and "feel" welcoming to the public and be usable by the greatest number and diversity of people including, to the extent possible, the physically handicapped.

b. Connect to public areas, street-ends and other pedestrian or public thoroughfares.

c. Be as close as possible to the water's edge while preserving the natural character of the shoreline and protecting ecological functions and processes of shorelines and/or their associated wetlands.

d. Be compatible with the surrounding character and appropriate for the anticipated intensity of use. In general, the higher the intensity of development and use, the more formal and durable the improvements should be.

e. Enhance Port Townsend's character, including the historic and economic activity of downtown, the marine industry heritage associated most strongly with ports, and the high quality natural areas.

f. Avoid conflicts with water-dependent uses.

g. Provide for public safety and to minimize potential impacts to private property and individual privacy and security.

h. Require a low level of operation and maintenance.

i. Ensure that construction (i.e., structures, trails and access pathways) incorporates environmentally sensitive design and materials (e.g., use non-toxic, natural materials).

Access to Kah Tai Lagoon and Chinese Gardens

Policy 7.3.17 Encourage viewpoints along the shoreline of Kah Tai Lagoon and Chinese Gardens; however, the needs of wildlife, including migratory waterfowl, should be the primary consideration in their location and design.

Policy 7.3.18 Limit public access to Kah Tai Lagoon and Chinese Gardens to passive recreation such as walking, bicycling, and wildlife viewing in designated areas (e.g., trails and viewpoints).

Policy 7.3.19 Encourage trail and access restrictions to Kah Tai Lagoon and Chinese Gardens, such as, but not limited to: pet leash requirements, requirement to clean pet waste, hours of use, available trash cans, etc. to reduce potential environmental damage.

7.4 Development Regulations

General Requirements

DR-7.4.1 Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines.

DR-7.4.2 Except as provided in regulations 7.4.4 and 7.4.5, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:

a. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact.

b. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Developments may interfere with accesses on their development site by blocking access or by discouraging use of existing on-site or nearby access.

c. Where this Master Program permits a use that is not a priority shoreline use under the Shoreline Management Act (see definition of "Priority Use") on a shoreline of the state, public access provisions may be required in exchange for flexible use standards.

d. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.

DR-7.4.3 Required public access may include the preservation of shoreline views, the establishment of public access easements to and along the shoreline, enhancement of an adjacent street-end or park or other consideration commensurate with the degree of impact caused by the development.

DR-7.4.4 Public access is not required if, the applicant can demonstrate, to the satisfaction of the City, that constitutional and or statutory limitations would be violated.

DR-7.4.5 Alternatives to on-site, physical access to the shoreline may be approved if the applicant can demonstrate to the satisfaction of the City that one or more of the following conditions exist:

a. Unavoidable health or safety hazards to the public exist which cannot be prevented

by any practical means;

b. Access is not feasible due to the configuration of existing parcels and structures, such that access areas are blocked in such a way that cannot be reasonably remedied by the proposed development;

c. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;

d. The cost of providing on-site access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

e. Unacceptable environmental harm which cannot be mitigated, such as damage to spawning areas or nesting areas, will result from the public access; or

f. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:

a. Regulating access by such means as limiting hours of use to daylight hours.

b. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.

DR-7.4.6 When allowed under DR-7.4.5, alternative shoreline access must result in an equal or greater public benefit. Alternatives may include but are not limited to:

a. Publicly accessible rooftop decks.

b. Off-site public access, such as improvements to a nearby street end, an off-site viewpoint, or a trail system, purchase of land or an easement at a location appropriate for future access improvements.

c. A payment in lieu agreement with the City in accordance with RCW 82.02.020 (relating to fees associated with development).

DR-7.4.7 Off-site public access, when required, must meet the same standards and requirements as on-site public access.

DR-7.4.8 In providing visual access to the shoreline, the native vegetation shall not be excessively removed either by clearing or by topping. (Note: Trimming of trees and vegetation may be allowed, pursuant to Section 9.3 of this Master Program).

DR-7.4.9 When required, public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity, except where the decision maker determines

an appropriate mechanism for delayed public access implementation is necessary for practical reasons. If on- or over- the water, development shall be constructed to minimize interference with physical access along the beach and views from surrounding properties, to the shoreline and adjoining waters, including locating structures as far landward as possible.

Physical Access and Easements

DR-7.4.10 Where on-site physical access is appropriate, the development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the general public.

DR-7.4.11 Public access easements shall be designed to accommodate the anticipated intensity of use, generally ranging from a minimum twelve-foot width easement in less traveled residential areas to a minimum 25-foot width in more intensely urbanized areas. Where deemed necessary to protect environmental functions, the easement shall accommodate a buffer of native vegetation between the OHWM and the public access walkway/viewpoint.

DR-7.4.12 A reduced width access easement may be allowed to facilitate redevelopment of existing structures that encroach into the easement area, provided that the easement and design of the access is sufficient to provide safe access or alternative shoreline access is provided.

DR-7.4.13 Public access easements and permit conditions shall be recorded in an appropriate manner, such as on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval) and prior to the issuance of any land disturbing or construction permits.

DR-7.4.14 The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Signs should be designed to distinguish between public and private areas. In accordance with the regulations in this section, signs controlling or restricting public access may be approved as a condition of permit approval.

DR-7.4.15 Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

Design

DR-7.4.16 Public access sites shall be connected directly to the nearest public area (e.g., street, public park, or adjoining public access easement), typically the nearest public area. Where connections are not currently possible, the site shall be designed to accommodate logical future connections. In either case, the design shall take into consideration the priority placed on protecting physical access along the beach (i.e., boardwalk connections that interfere with physical access along the adjoining beach area are discouraged).

DR-7.4.17 Public access sites shall be made barrier free for the physically disabled, where feasible, and designed consistent with the Americans with Disabilities Act.

DR-7.4.18 Public access landscape design shall use predominantly native vegetation (i.e., 80% or greater), particularly drought-resistant and saline tolerant plant species. Landscape buffers may be required where desirable to provide public/private space separation.

DR-7.4.19 Public access shall be designed to achieve no net loss of ecological functions. Where impacts are identified, mitigation shall be required. Materials shall be:

a. Consistent with the character of the shoreline and the anticipated intensity of use. For example "formal" (e.g. concrete sidewalks, colonnade) elements in the downtown or "informal" design elements (e.g. log benches, dune grass and gravel paths) in the North Beach neighborhood.

b. Durable, capable of withstanding exposure to the elements; and

c. Wherever financially feasible and practical, environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., shall be used.

Public/Private Separation

DR-7.4.20 Public access facilities shall look and feel welcoming to the public, and not appear as an intrusion into private property.

DR-7.4.21 Natural elements such as logs, grass, shrubs, and elevation separations are encouraged as means to define the separation between public and private space.

DR-7.4.22 New multi-family residential development bordering public space designed for shoreline access shall be at least 3-feet higher than adjacent pathways to provide a visual privacy separation between uses (i.e., the grade separation may not be required for sidewalks on the upland side of a residence).

Amenities

DR-7.4.23 Furniture used in public access areas shall be appropriate for the proposed level of development, and the character of the surrounding

district. For example, large urban projects should provide formal benches of the type found in the Main Street Streetscape Design Guidebook (adopted by Ordinance 2143, 1-17- 89); for smaller projects in less-developed districts, simpler, less formal benches, or suitable alternatives would be appropriate.

DR-7.4.24 The City may require the installation of benches, bicycle racks, pet waste, garbage and recycling receptacles, educational signage, and other street furniture at shoreline public access points commensurate with the degree of project impact. Where required,

a. Benches shall be set back from a walkway or path so pedestrians will still have room to walk by when the benches are in use. At least four (4) feet of unobstructed pathway width should remain where benches are placed on pathways. Benches may be built without backs and should be at least 4 to 5 feet in length.

b. Provisions for maintenance shall be required as a condition of permit approval.

c. Educational signage should be used to identify unique natural features, maritime uses and historical landmarks.

Parking

DR-7.4.25 Parking associated with Public Access shall comply with applicable parking requirements in Chapter 8, Specific Uses, Section 8.11. Section 8.11 includes specific development regulations for Vista parking facilities.

Southern Shoreline

DR-7.4.26 Public access pathways in the Urban, Historic Waterfront, Boat Haven and Point Hudson environments should be sited to maximize views of the water and access along the water's edge.

DR-7.4.27 Improvements within the Historic Waterfront are subject to the design guidelines codified in Chapters 17.30PTMC. Improvements westerly of the ferry terminal should also be reviewed for compatibility and consistency with the urban design guidelines set forth in the Gateway Development Plan.

Kah Tai Lagoon and Chinese Gardens

DR-7.4.28 New development associated with providing access to Kah Tai Lagoon or Chinese Gardens, such as parking and restrooms, shall be located outside of the shoreline jurisdiction area to the extent feasible.

DR-7.4.29 Where public access is to be provided at Kah Tai Lagoon or Chinese Gardens, the following requirements shall apply:

a. The trail shall be no wider than 8 feet, plus 1-foot gravel shoulders, for a maximum width of 10 feet.

b. Where feasible, taking into account the location of available public rights-of-way, new trail alignments shall be placed toward the landward edge of wetland buffers, except to provide direct access to the water or viewing platforms.

c. When within wetlands or their required buffers mitigation will be required per Chapter 6, Environmental Protection, and the City's Critical Areas regulations.

d. Restoration/mitigation within the wetland buffer between the trail and the ordinary highwater mark shall typically be in place prior to or in concert with construction of the trail. Exceptions may be granted to allow for planting in the appropriate season for the prescribed plant species.

e. Other conditions as described in Kah Tai or Chinese Gardens management plans, if adopted.

Chapter 8
Specific Use Policies and Development Regulations

SECTIONS:

8.1 Introduction

8.2 Advertising and Signs

8.3 Agriculture

8.4 Aquaculture

8.5 Boat Launches

8.6 Commercial Development

8.7 Industrial and Port Facilities

8.8 Marinas

8.9 Mining

8.10 Mooring Buoys

8.11 Parking Facilities

8.12 Recreational Facilities

8.13 Residential Development

8.14 Scientific, Cultural and Education Facilities

8.15 Transportation Facilities

8.16 Utilities

8.1 Introduction

Development and use proposals may involve a number of uses and shoreline modifications and must comply with the policies and regulations for each. For example, uses associated with a new marina may include boat launches, industrial and port facilities, parking facilities, and recreational facilities. Construction of a marina may involve numerous shoreline modifications, including dredging, dredge spoil disposal, a jetty, and perhaps landfill. Each project is reviewed for compliance with the applicable “use” policies and regulations in this Chapter and with the applicable “modification” policies and regulations in Chapter 9.

All shoreline developments and uses must comply with the policies and standards of this Master Program whether or not a shoreline substantial development permit is required. Specific conditions that ensure such compliance may be attached as a condition of permit approval.

Shoreline uses specifically listed as “prohibited” shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit. However, if the use is permitted, deviations from the minimum performance standards may be approved under a shoreline variance unless

specifically stated otherwise.

The performance standards contained herein augment standards established through other land development regulations. Where conflict arises between these and other applicable controls, the regulations that provide more protection to the shoreline area shall apply.

This chapter provides specific policies and regulations for the following types of specific uses. Refer to Chapter 9 for shoreline modifications:

a. Advertising and Signs

b. Agriculture

c. Aquaculture

d. Boat Launches

e. Commercial Development

f. Industrial and Port Facilities

g. Marinas

h. Mining

i. Mooring Buoys

j. Parking Facilities

k. Recreational Facilities

l. Residential Development

m. Scientific, Cultural and Education Facilities

n. Transportation Facilities

o. Utilities

Uses not classified (i.e., “unclassified uses”) under this master program shall be processed as conditional uses.

8.2 Advertising and Signs

Outdoor advertising and signs include publicly displayed messages on signs, billboards, placards, or buildings that direct attention to promotion of a business, service, or product, or for public notice, transportation, or direction.

Outdoor advertising is regulated by the Port Townsend sign code (e.g., billboards and off-premise signs, except for sandwich boards in the downtown Historic district, are prohibited everywhere in the City.

Also prohibited are flashing, rooftop and moving signs).

Policies

Policy 8.2.1 Ensure that signage within the shoreline jurisdiction complies with the City's Sign regulations codified in Chapter 17 of the Port Townsend Municipal Code.

Policy 8.2.2 Ensure that signs are compatible with the shoreline environment and adjacent land and water uses through appropriate design and placement.

Policy 8.2.3 Avoid degradation of vistas and viewpoints and ensure visual access to the water from such vistas by appropriately locating signs.

Development Regulations

DR-8.2.1 Outdoor advertising and signs shall be in conformance with the City of Port Townsend sign regulations codified in Chapter 17 of the Port Townsend Municipal Code.

DR-8.2.2 Delineated vistas (Appendix B) or viewpoints shall be kept free of advertisement signs.

DR-8.2.3 Signs directed toward the water shall be limited to:

a. Directional signage associated with a marina, and
b. Signage on buildings with a waterside entrance.

DR-8.2.4 Over-water signs or signs on floats or pilings (signs in all areas below OHWM) shall be limited to those that are a necessary part of approved in-water or over-water uses and shall generally be limited to signs for navigation, safety, identification, or public information.

DR-8.2.5 Artificial lighting for signs shall be directed or beamed away from the water, public streets, or adjacent premises so as to not cause glare reflection that may constitute a traffic or boating hazard or nuisance.

DR-8.2.6 Flashing and blinking signs are not permitted on the shoreline area. No sign or part thereof shall consist of banners, posters, streamers, spinners, or other similar moving devices.

DR-8.2.7 No signs shall be constructed or operated in a manner that obscures or detracts from the effectiveness of navigational aids.

8.3 Agriculture

Agriculture includes the cultivation of soil, production of crops, or the raising of livestock. In Port Townsend, limited agricultural activities may (and do) occur within some residential zones, but more intense agricultural uses are not allowed by the City's development regulations and are not present in the shoreline area. Construction and practices normal for an existing ongoing agricultural use are exempt under the Shoreline Management Act.

Policies

Policy 8.3.1 Limit agriculture uses to those allowed in the Shoreline Residential environment consistent with the underlying zoning. Agriculture uses

shall be prohibited from all other environments.

Policy 8.3.2 Require buffer zones of permanent vegetation between tilled areas and associated water bodies in order to retard surface runoff, reduce siltation, and promote valuable shade for fish habitats.

Development Regulations

DR-8.3.1 Agriculture uses shall only be permitted in the Shoreline Residential environment and shall be limited to those agricultural uses permitted by the underlying residential zoning. Agricultural uses are prohibited from all other shoreline environments.

DR-8.3.2 An agricultural activity waterward of the ordinary high water mark is prohibited.

DR-8.3.3 Shoreline waters shall not be used for livestock watering.

DR-8.3.4 A buffer of permanent native vegetation shall be established and maintained between areas used for cultivation or intensive grazing and adjacent water bodies and wetlands. The plant composition and width of the buffer shall be based on the site conditions, including type of vegetation, soil types, drainage patterns, and slope. The buffer shall, however, not be less than one hundred (100) feet wide as measured landward and perpendicular to the ordinary high water mark. The buffer shall be of sufficient width and vegetation shall be sufficiently enhanced to retard runoff, reduce sedimentation, and provide riparian habitat. Buffers shall include fencing to prevent encroachment.

DR-8.3.5 Erosion control measures shall conform to guidelines and standards established by the U.S. Soil Conservation Service and the U.S. Department of Agriculture.

DR-8.3.6 Pesticides shall be used, handled, and disposed in accordance with provisions of the Washington State Pesticide Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.57) to prevent contamination and sanitation problems.

DR-8.3.7 Livestock waste shall be disposed in a manner that will prevent surface or ground water contamination.

8.4 Aquaculture

Aquaculture is the farming or culturing of aquatic organisms. Aquaculture encompasses a wide variety of activities including hatching, seeding, planting, cultivating, feeding, raising, and harvesting of plants and animals. These activities may have widely differing impacts on the aquatic and shoreline environment.

Those activities that do not meet the definition of development in this Master Program, such as beach culturing for restoration of a native species and recreational hand harvesting, are not subject to the shoreline permit requirements of the Shoreline Management Act and this Master Program.

Additionally, harvesting by Tribal entities is exempt from compliance with the City's Shoreline Master Program pursuant to state-tribe treaties.

Aquaculture can be carried out in subtidal, intertidal, upland, and fresh water areas. The subtidal area is seaward of the line of extreme low tide. The intertidal area is seaward of the ordinary high water mark and landward of the line of extreme low tide. The upland area is landward of the ordinary high water mark.

Policies

Policy 8.4.1 Limit aquaculture within the City's shoreline jurisdiction to the following:

a. Geoduck harvesting within Department of Natural Resources tracts;

b. Aquaculture for recovery of a native population; and,

c. Seafood culturing, harvesting and processing activities occurring upland of the OHWM within the Boat Haven Marina and Marine Trades District only, including related minor improvements within the adjacent Aquatic designation necessary to support the upland use (e.g., small scale water intakes and clean water outfalls).

Policy 8.4.2 Ensure that, when permitted, aquaculture developments are located, designed and operated in a manner that is compatible with existing uses and in keeping with the natural shoreline environment and the environmental protection and restoration policies of this Master Program.

Policy 8.4.3 Protect established aquaculture operations from incompatible uses that may seek to locate nearby. Demonstration of a probability that such an adjacent use would result in damage to, or destruction of such an aquaculture operation shall be grounds for the denial of that use.

Development Regulations

DR-8.4.1 The following aquaculture activities may be permitted:

a. Shellfish seeding/culturing when conducted for native population recovery in accordance with a government/tribal approved plan.

b. Seafood culturing, harvesting and processing activities occurring upland of the OHWM within the Boat Haven Marina and Marine Trades District only, including related minor improvements within the adjacent Aquatic designation necessary to support the upland use (e.g., small scale water intakes and clean water outfalls).

c. Commercial geoduck harvesting, when permitted by the Department of Natural Resources (DNR) on a DNR tract.

All other aquaculture developments and activities are prohibited within the shoreline jurisdiction, including fish pens and commercial shellfish seeding/culturing.

DR-8.4.2 Processing of aquaculture products shall not occur in or over the water except for sorting or culling of organisms and washing or removal of surface materials or organisms. All other processing facilities shall be located on land.

Geoduck Harvesting

DR-8.4.3 Geoduck harvesting shall not be permitted in kelp beds or in eelgrass beds unless approved by the Washington State Department of Fisheries.

DR-8.4.4 Proposals for mechanical harvesting that involve substantial substrate modification shall be evaluated using the policies and performance standards for Dredging (Section 9.5) in addition to the provisions of this section.

DR-8.4.5 Applications for geoduck harvest shall be submitted on forms provided by the City of Port Townsend and shall include but are not limited to, the following information:

a. Tract size and location;

b. Harvesting techniques;

c. A description of associated upland operations (e.g., truck transportation, processing, etc.);

d. Hours of operation;

e. A description of existing shoreline conditions (including flora, fauna, natural processes, and adjacent uses);

f. Relationship to other permits, rules, and regulations;

g. Proposed method for marking tract boundary.

DR-8.4.6 Commercial geoduck harvesting may be allowed as a permitted use when permitted by the Department of Natural Resources and provided that the applicant demonstrates that the location, design, and operation of the harvest will not:

a. Conflict with existing adjacent uses either directly (e.g., obstructing navigational channels) or indirectly (e.g., noise). Limitations on hours of operation may be required to protect adjacent uses.

b. Cause a significant adverse impact on natural shoreline processes;

c. Cause significant adverse cumulative impacts (i.e., aquaculture operations should be adequately spaced).

d. Degrade critical habitat areas or environmental restoration sites;

e. Interfere with the migration of aquatic organisms except where specifically intended by the design or operation of the facility; or

f. Significantly degrade aesthetic quality of the state's shorelines.

8.5 Boat Launches

Boat launches are slabs, pads, planks, rails, cranes or graded slopes used for launching boats by means of a trailer, hand, or mechanical device.

Policies

Policy 8.5.1 Maintain existing boat launch areas at Boat Haven Marina, Monroe Street (Salmon Club), at Point Hudson and at Fort Worden State Park for future Port, commercial and recreational uses. The boat ramp at North Beach Park should not be rebuilt; it should be removed and the beach should be restored.

Policy 8.5.2 Install, maintain and rebuild boat launches in such a manner as to minimize adverse affects on natural and physical shoreline resources.

Development Regulations

General

DR-8.5.1 Boat launches for Port, commercial or public recreational uses may be permitted in the following shoreline environments: Boat Haven, Historic Waterfront, Urban, Point Hudson, and Conservancy and associated Aquatic areas.

DR-8.5.2 New boat launches requiring shoreline modifications shall be allowed only as conditional uses due to their potentially significant impacts to the shoreline environment.

DR-8.5.3 Designation of a new hand launch-site where improvements are limited to installation of public-access signage valued at $5,000 or less shall be exempt from a Shoreline Substantial Development Permit.

DR-8.5.4 Reconstruction of an existing launch (except the North Beach launch that has been identified as a restoration site) is a permitted use.

Design Standards

DR-8.5.5 Boat launches and ancillary facilities shall be located, designed, constructed, and operated as to:

a. Minimize adverse affects of fish, shellfish, wildlife, water quality, and existing geohydraulic shoreline and stream processes;

b. Be clearly separated from nearby swimming areas;

c. Provide adequate on-shore sewage and waste disposal facilities and a means for effective operation; and

d. Be compatible with adjacent uses.

DR-8.5.6 Associated docks and floats shall conform to the applicable policies and performance standards of this Master Program.

DR-8.5.7 Associated parking and loading areas shall:

a. Comply with the City of Port Townsend's Parking Code (PTMC 17.72) and Section 8.11 of this Master Program;

b. Provide adequate off-road parking and loading areas;

c. Facilitate orderly launching and retrieval of boats, as well as the movement of vehicles and trailers in the launching area;

d. Provide ample room for the handling and maneuvering of boat trailers;

e. Be located away from the immediate water's edge and beaches; and

f. Ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion.

8.6 Commercial Development

Commercial development means those uses and facilities that are involved in wholesale or retail trade or business activities. Examples include but are not limited to hotels, motels, grocery stores, restaurants, shops, offices, and indoor recreation facilities. This is a broad category that mostly applies to the downtown area where most of the detailed development regulations are addressed by the underlying zoning. Proposals lying within the C-II zoning district must comply with the city's commercial design standards (17.44 PTMC). Proposals within the C-III zoning district are subject to historic design review pursuant to Sections 17.30 and 17.80 PTMC.

The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water-related or water-enjoyment uses.

Policies

Policy 8.6.1 Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline.

Policy 8.6.2 Prohibit over-water commercial uses, except to facilitate reuse of existing structures, or as a minor accessory use to a public facility (e.g., an espresso stand at the ferry terminal).

Policy 8.6.3 Design commercial uses in a manner that provides physical and visual access to the water.

Policy 8.6.4 Design commercial uses adjacent to the ordinary high water mark in a manner that provides landscaping and environmental restoration at

the water's edge consistent with constitutional and other limitations on the regulation of private property.

Development Regulations

DR-8.6.1 Over-water construction of commercial uses is prohibited except as follows:

a. The development of docks, boat launch ramps, or other shoreline access facilities.

b. Commercial uses of existing over-water buildings may be allowed to facilitate reuse of existing structures in the Historic Waterfront environment.

c. Minor commercial uses that are accessory and clearly incidental to an allowed use may be provided on publicly owned docks and piers (e.g., espresso stand at the ferry terminal; authorized ticket sales for a temporary, marine- oriented event).

DR-8.6.2 Commercial development shall be subject to the design review provisions of the Port Townsend Zoning code (Title 17 PTMC).

DR-8.6.3 All commercial development/redevelopment requiring a Substantial Development or Conditional Use Permit within shoreline jurisdiction shall provide for public visual and physical access to the shoreline in accordance with Chapter 7, Public Access, taking into consideration constitutional and statutory limitations. Such provisions could be the preservation of shoreline views, the establishment of public access easements across and to the shoreline, enhancement of an adjacent street-end or park or other consideration commensurate with the degree of impact caused by the development.

DR-8.6.4 Bed and Breakfast establishments proposed within a Residential zoning district are required to meet the policies and regulations for both Residential and Commercial use.

8.7 Industrial and Port Facilities

Industry applies to those businesses or uses involved in the production, processing, manufacturing, or fabrication of goods. Warehousing and storage of materials or products is considered part of the industrial process. Water-dependent industries are those that require location on the shoreline by reason of the nature of their business. Ports are a specialized subcategory of general industrial use. Port facilities are centers of water- borne traffic and commerce. Industry and ports are both covered in this section.

Port and industrial developments are often associated with a number of uses and modifications that are identified separately in this Master Program (e.g., parking, dredging). Each use activity and every type of shoreline modification should be carefully identified and reviewed for compliance with all applicable sections.

Port and industrial facilities are intensive and have the potential to negatively impact the shoreline environment. When impacts cannot be avoided, impacts must be mitigated to assure no net loss of ecological function necessary to sustain shoreline resources. Please refer to Chapter 6,

Environmental Protection.

Policies

Policy 8.7.1 Reserve shorelines that are particularly suitable for water-dependent and water-related industrial development for these uses. Suitable shorelines have few environmental limitations, such as critical areas. Industrial uses are encouraged to locate in areas contaminated by past uses thus, allowing for environmental cleanup/restoration to be incorporated into development plans.

Policy 8.7.2 Prohibit non-water-dependent industrial developments over water.

Policy 8.7.3 Require new industrial development to provide physical and visual access to shorelines whenever possible, consistent with constitutional and statutory limitations, and provided such access does not interfere with industrial operations or endanger public health and safety.

Policy 8.7.4 Encourage or require cooperative use of docks, cargo handing, storage, parking, and other accessory facilities among private or public entities in shoreline industrial areas.

Policy 8.7.5 Ensure that land transportation and utility corridors serving ports and water-related industry follow the guidelines provided under the sections dealing with utilities and transportation. Where feasible, transportation and utility corridors should be located upland to reduce conflicts with industrial operations.

Development Regulations

General

DR-8.7.1 Only water-dependent industry and water-related industry shall be permitted in the shoreline jurisdiction.

DR-8.7.2 Over-the-water construction of non-water-dependent industrial uses is prohibited. This provision is not intended to preclude the development of docks; piers or boating facilities that are necessary for the operation of a water-dependent industrial use must be located, designed, and operated in a manner consistent with the provisions of this Master Program.

DR-8.7.3 Storage and/or disposal of industrial wastes are prohibited within shoreline jurisdiction, unless specifically listed herein.

DR-8.7.4 The following uses may be permitted as a conditional use:

a. Bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, provided that secondary containment and an emergency spill response plan are included in the proposal.

b. Wastewater treatment and reclamation systems accessory to a permitted use (also

see “Utilities”), provided that

i. Alternate inland areas are unavailable and,

ii. The proposed location, design and operation are compatible with existing and planned water-oriented uses.

Design

DR-8.7.5 Industrial and port facilities shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, as well as adjacent shoreline or water uses. To this end, applications for industrial/port facilities must demonstrate conformance with the following criteria. The proposal shall:

a. Comply with all federal, state, regional, and local requirements regarding air and water quality including but not limited to those contained in Chapter 6, *Environmental Protection*. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted that are harmful to health, animals, vegetation, or other property, or that can cause excessive soiling.

b. Incorporate adequate buffers or greenbelts to protect adjacent non-industrial uses. All new or expanded industrial development shall be set back and buffered from adjacent shoreline properties that are used for or zoned for non-industrial purposes. As set forth in Section 5.13.19, such buffering or greenbelt at Point Hudson shall include landscaping, shrubs, trees and native vegetation as found to be appropriate depending on the impact, and shall be planted along the common boundary and grow to not more than 12 feet or less than 8 feet in height, nor less than 10 feet in width, within five years, unless an alternate landscaping plan that better meets the goal of Section 5.13 of this SMP is approved by the Shoreline Administrator that better meets the goal of Section 5.13 of this SMP. In all other instances, buffering shall be consistent with the provisions of PTMC Section 17.22.020(C). Buffers shall not be used for storage of industrial equipment or materials, or for waste disposal. Buffers may be used for outdoor recreation if consistent with public access provisions.

c. Maximize joint use of accessory facilities -industrial/port facilities shall be designed and operated to promote joint use of over-water and accessory facilities such as piers, docks, storage, and parking whenever practicable.

d. Protect public views of harbor areas and other recognized or officially delineated vistas. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

e. Separate unpaved storage from groundwater - Where unpaved storage areas are proposed, provides a minimum 4-foot separation between the ground surface and the highest seasonal water table.

f. Make adequate provision for fire and safety hazards -

i. The storage and handling of inflammable liquids, liquefied petroleum gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances;

ii. Bulk storage of inflammable liquids below ground shall be permitted, and the tank shall be located not closer to the property line than the greatest dimension (diameter, length, or height of the tank).

iii. Adequate fire fighting, fire prevention and safety equipment shall be provided as necessary to handle materials stored or used on the site.

iv. Flammable/explosive/hazardous materials shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.

v. Provisions shall be made to minimize the probability of spills of fuel or other toxic substances and to handle accidental spills that occur.

vi. Emission of dangerous radioactivity shall be prohibited.

g. Prevent interference. - Provide for necessary shielding or other measures to prevent on-site mechanical or electrical equipment from interfering with the use of electrical apparatus off-site.

h. Screen waste products – Liquid and solid wastes, storage of animal or vegetable waste that attract insects or rodents or otherwise create a health hazard shall be prohibited. No such waste products shall be exposed to view from eye level from any property line in the Boat Haven or Point Hudson designation.

i. Noise and vibration are a normal part of marine industrial operations. However, noise emanating from the premises used for marine-related and manufacturing activities shall be regulated under PTMC 9.08 and PTMC 17.22.020(D)(1) as they now exist or may later be amended. Provided, the shoreline administrator may impose permit conditions to mitigate temporary noise or vibration associated with authorized construction activities.

j. Exterior lighting shall not be used in such a manner that produces glare on public areas or water bodies. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property.

k. Noxious odors shall be eliminated to the extent feasible.

Public Access

DR-8.7.6 Port and industrial facilities shall provide public access to shoreline areas in accordance with Chapter 7, Public Access, taking into consideration constitutional and statutory limitations, public safety, health, and security. Where industrial use is proposed for location on land in public ownership, public access shall be required. Such

provisions could be the preservation of shoreline views, the establishment of public access easements across and to the shoreline, enhancement of an adjacent street-end or park or other consideration commensurate with the degree of impact caused by the development.

8.8 Marinas

Facilities that provide launching, storage, supplies, moorage, and other services for five or more pleasure and commercial watercraft.

Commercial development, not accessory to the operation of a marina, shall comply with Section 8.6, "Commercial Development." Shoreline modifications associated with marinas, including docks, piers, and floats, shall also comply with Chapter 9 Shoreline Modifications.

Policies

Policy 8.8.1 Concentrate marina development at the Boat Haven and Point Hudson marinas. Expansion of existing marinas shall comply with the Port of Port Townsend Comprehensive Scheme of Harbor Improvements. No new marinas should be developed.

Policy 8.8.2 Ensure that Marina expansions are located, designed, constructed and operated in a manner that will minimize damage to shoreline processes and functions. When impacts cannot be avoided, impacts must be mitigated to assure no net loss of ecological function necessary to sustain shoreline resources.

Policy 8.8.3 Ensure that marinas are located, designed and operated so as to be compatible with adjacent uses and protect the aesthetic qualities of the shoreline environment.

Policy 8.8.4 Consult the standards and guidelines of applicable federal, state and local agencies in planning for marina expansion and new mooring facilities.

Policy 8.8.5 Give valid consideration to floating breakwaters as an alternative to conventional breakwaters.

Development Regulations

DR-8.8.1 The following uses shall be prohibited:

a. New marinas

b. Covered moorage

c. Floating houses

DR-8.8.2 Marina expansions and new mooring buoy fields may be permitted as a conditional use. Where permitted, these facilities shall be located,

designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with adjacent residential property owners, as well as adjacent shoreline or water uses. To this end, applications for such facilities must demonstrate conformance with the following criteria. The proposal shall:

a. Locate with regard to favorable conditions related to wind, current, bathymetrics, and for overnight moorage facilities, adequate flushing action.

b. Comply with all federal, state, regional, and local requirements regarding water quality, including, but not limited to, Department of Health Standards and environmental policies and regulations contained in Chapter 6, Environmental Protection.

c. Be compatible with the general aesthetic quality of the shoreline area where they are located. Provide for adequate upland support facilities (e.g., restrooms, dumpsters, etc.)

d. Provide accessory parking and loading areas - said facilities shall be located well away from the water's edge and shall be designed in accordance with Section 8.11, Parking.

e. Facilitate orderly launching, retrieval, and storage of boats as well as circulation of vehicles and pedestrians in the vicinity of the marina.

f. Marinas shall make provisions to minimize the probability of fuel spills during handling or storage.

g. Make provisions shall be made to handle accidental spills that do occur.

h. Provide pump-out and on-shore sewage and waste disposal facilities. Public/Port pump-out facilities shall be available at no direct charge to the user.

8.9 Mining

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this Master Program, "processing" includes screening, crushing, and stockpiling of materials removed from the site. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of concrete.

Policies

Policy 8.9.1 Ensure that all mining activities occur in appropriately designated areas outside of the Port Townsend shoreline jurisdiction.

Development Regulations

DR-8.9.1 Mining in all shoreline areas is prohibited.

8.10 Mooring Buoys

Mooring buoys are anchored devices in water bodies used for the mooring of watercraft. If six or more buoys are proposed, the proposal must also comply with polices and regulations under

"Marinas," above.

Policies

Policy 8.10.1	Allow mooring buoys for transient boaters as a means to encourage economic development and recreation. Designated mooring buoys provide boaters with an alternative to anchoring in critical eelgrass beds found along the city's southern shoreline.
Policy 8.10.2	Limit the development and management of mooring buoys to the City of Port Townsend, the Port of Port Townsend, Washington State Parks, or other public or non-profit agency for public use.
Policy 8.10.3	Work with the Port of Port Townsend, Washington State Parks, other public or non-profit agencies and the Department of Natural Resources to identify a "carrying capacity" of mooring buoys for Port Townsend Bay.
Policy 8.10.4	Prohibit mooring buoys where such installations will significantly interfere with navigation.
Policy 8.10.5	Discourage the placement of mooring buoys where sufficient dock facilities exist.
Policy 8.10.6	Ensure that mooring buoys are located, designed, constructed and operated in a manner that will minimize damage to sensitive ecological areas such as eelgrass beds, or aquaculture resources or facilities, except where the impacts of the mooring buoys will replace existing and ongoing practices that cause greater ecological degradation. (For example, the lesser impact of mooring buoys may be a suitable alternative to the current impacts of boat anchors.)
Policy 8.10.7	Ensure that mooring buoy fields are located, designed and operated so as to be compatible with adjacent uses and protect the aesthetic qualities of the shoreline environment.
Policy 8.10.8	Ensure that mooring buoys and the swing path of attached vessels do not encroach on privately owned tidelands or the swing path of a legally established or "grandfathered" moored boat and buoy.

Development Regulations

DR-8.10.1	Applications for public mooring buoys shall include an enforcement and management plan that describes rules and regulations for public use.
DR-8.10.2	Private mooring buoys are prohibited.
DR-8.10.3	Mooring buoys shall comply with the following design standards:

a. Land based retrieval lines from mooring buoys shall be prohibited.

b. Mooring buoys shall be located as close to the shore as feasible while taking into consideration critical habitat. They shall not be located farther waterward than adjacent

mooring buoys unless the draft and/or swing path of the boat dictates it.

c. Buoys must float at least 12" above the water and be a light or bright color.

d. Mooring buoys shall be located no closer than 100 feet from another mooring buoy, dock, pier, float, or other fixed navigational obstruction, unless there is a written agreement allowing for the encroachment with the parties affected, including the subtidal property owner.

e. Buoys shall be marked with the responsible agency's name, address, and telephone number.

f. Buoys shall comply with the requirements of all applicable regulatory agencies (e.g., WAC 332-30-148).

DR-8.10.4 Mooring buoys shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, as well as adjacent shoreline or water uses. To this end, applications for such facilities must demonstrate conformance with the following criteria. The proposal:

a. Is located with regard to favorable conditions related to wind, current, bathymetrics and, for overnight moorage facilities, adequate flushing action.

b. Complies with all federal, state, regional, and local requirements regarding water quality including but not limited to Department of Health Standards and environmental policies and regulations contained in Chapter 6, Environmental Protection.

c. Is compatible with the general aesthetic quality of the shoreline area where they are located.

d. Provides for adequate upland support facilities (e.g., restrooms, dumpsters, etc.)

e. Is compatible with navigation.

f. Demonstrates that the buoy system proposed is adequate to withstand the maximum expected physical stress that the environment and moored craft will place on the buoy.

DR-8.10.5 A mooring buoy shall secure no more than two (2) boats.

8.11 Parking Facilities

Parking is the use of land for storage of motor vehicles, motorized equipment, or accessory units, such as trailers. Land used for this purpose is leveled, cleared, and often covered with an impermeable surface.

Parking includes areas for scenic vista parking.

Policies

Policy 8.11.1	Minimize parking in shoreline areas.
Policy 8.11.2	Design and place parking facilities as far as practicable from the water's edge.
Policy 8.11.3	Ensure that parking facilities are adequate to serve the level of demand anticipated by the associated use.
Policy 8.11.4	Minimize impacts from parking facilities in shoreline areas including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance, through appropriate location and design

Development Regulations

Parking for specific land use activities within the City of Port Townsend is subject to the requirements and standards set forth in the *Port Townsend Zoning Code*, in addition to the regulations of this section.

DR-8.11.1	Parking in shoreline areas must directly serve an approved shoreline use.
DR-8.11.2	Parking as a principal use (i.e., not accessory to an authorized use) is prohibited, except when provided as part of a public scenic vista.
DR-8.11.3	Parking facilities waterward of the ordinary high water mark are prohibited, provided that they may be allowed on over-water structures through the conditional use process when they are a component of a publicly operated ferry terminal.
DR-8.11.4	Parking shall comply with the following design standards as applicable (e.g., items a, b, e and f would not apply to over-water ferry terminal parking):

a. Parking shall be located on the landward side of the development unless contained within a permitted structure.

b. Where there is no existing structure, parking shall extend no closer to the shoreline than a permitted structure.

c. The design and construction of parking facilities shall assure that surface water runoff will not pollute adjacent waters or cause soil or beach erosion. Oil separators and retention ponds are considered positive measures towards compliance with this standard. Alternatives to conventional storm water treatment, such as use of pervious materials, shall be considered in order to minimize impacts due to runoff and the need for storm water treatment.

d. Security lighting associated with parking facilities shall be beamed, hooded, or directed so as to not cause glare on adjacent properties or water bodies.

e. Parking facilities shall be separated from residential, recreation, and natural areas (e.g., the shoreline) by landscaping and/or screening in accordance with the Parking Facilities Landscaping requirements of the Port Townsend Municipal Code, Title 17). The landscaping shall, preferably, consist of native vegetation. The requirement for screening may be waived or modified by the Shoreline Administrator, where screening would obstruct a significant view from public property or public roadway or to address public safety concerns.

f. All landscaping must be maintained in a neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles, or recreational or other vehicles.

g. Vista parking facilities shall include a significant public view and provide recreational opportunities such as picnic tables or viewing benches.

8.12 Recreational Facilities

Recreational development provides opportunities for play, sports, relaxation, amusement, or contemplation. It includes facilities for passive recreational activities, such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, and golf courses. 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 recreational development must be consistent with the provisions of this section and the provisions of section 8.6, for commercial uses.

This Master Program gives priority to recreational development that is primarily related to access to, enjoyment and use of the water and shorelines of the state as reflected in the Use Table of Chapter 5, Environments.

Policies

Encourage the coordination of local, state, and federal recreation planning so as to mutually address recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.

Policy 8.12.1	Encourage the linkage of shoreline parks, recreation areas, and public access points in a linear system, such as hiking paths, bicycle paths, and scenic drives.
Policy 8.12.2	Locate and design recreational developments in a manner that preserves, enhances, or creates scenic views and vistas.
Policy 8.12.3	Locate and design recreational facilities to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.
Policy 8.12.4	Encourage physical and visual access to shorelines and surface waters.
Policy 8.12.5	Prevent concentration of clutter and leave the beaches and tidelands in their natural state by locating camping and overnight recreation

sites in upland areas. Park design and operation should deal with the impact such activities have not only within park boundaries but on adjacent properties and communities as well.

Policy 8.12.6 Locate golf courses outside of the shoreline area.

Policy 8.12.7 Prohibit use of recreational off-road vehicles within the shoreline area, except by public agencies for maintenance, operations and emergency services.

Development Regulations

DR-8.12.1 The following recreational uses and developments are prohibited:

a. Golf courses;

b. Use of recreational off-road vehicles is prohibited on natural areas of the shoreline, except by public agencies for maintenance, operations and emergency services;

c. Private campgrounds; and

d. Overnight recreational spaces or sites located on beaches, dunes, or intertidal areas.

DR-8.12.2 Recreational facilities shall make adequate provisions for:

a. Vehicular and pedestrian access, both on-site and off-site;

b. Vehicular traffic, both inside and outside the facility;

c. Vehicular parking;

d. Water supply, sewage disposal, and garbage collection;

e. The control of fires both within recreational facilities and between recreational facilities and adjacent private or public lands;

f. The prevention of overflows and trespasses onto adjacent properties;

g. Screening, buffer strips, fences, and signs to prevent park overflow and to protect the value and enjoyment of adjacent or nearby private or public properties;

h. Enforcement of laws and regulations associated with use of the facilities being proposed;

i. Security; and

j. Maintenance.

DR-8.12.3 Valuable shoreline resources and fragile or unique areas, such as

wetlands and accretion shore forms, shall be used only for non-intensive recreation activities.

DR-8.12.4 Recreational structures waterward of the ordinary high water mark are only permitted as specified in Section 5.6 “Aquatic” of this master program.

DR-8.12.5 For recreation developments, such as playing fields that require the use of fertilizers, pesticides, or other chemicals, the applicant shall submit plans demonstrating the methods to be used to prevent these chemical applications and resultant leachate from entering adjacent water bodies and wetlands. Natural vegetation buffer strips shall be required between the shoreline waters and recreation developments that use fertilizers, pesticides, or other chemicals. The Shoreline Administrator shall determine the width necessary for buffer strips. Buffers shall not be less than fifty- (50) feet wide, measured on a horizontal plane, perpendicular to the edge of the ordinary high water mark. The proponent shall also be required to leave a chemical-free swath at least one hundred (100) feet in width next to water bodies and wetlands.

DR-8.12.6 Encourage recreational facilities to provide signage and enforce regulations that prohibit tree cutting and limit the taking of marine life, driftwood, and the like.

DR-8.12.7 Signs associated with recreational facilities shall be kept to a minimum in number and size and shall be erected as informational or directional aids only.

DR-8.12.8 Stairways and landings shall be located upland of existing bulkheads, banks, and the ordinary high water mark unless integral to a water-dependent use or overwater structure permitted by this Master Program.

8.13 Residential Development

Residential development refers to one or more buildings, structures, lots, parcels, or portions of parcels that are used or intended to be used to provide a dwelling for human beings. Residential development includes single-family residences, duplexes, other detached dwellings, multifamily residences, apartments, townhouses, mobile home parks, group housing, condominiums, subdivisions, planned unit developments, and short subdivisions. Residential development also includes accessory uses and structures such as garages, sheds, tennis courts, swimming pools, driveways, parking areas, fences, cabanas, saunas, and guest cottages, when allowed by the underlying zoning. Residential development does not include hotels, motels, or camping facilities. Bed and Breakfast establishments proposed within a Residential zoning district are required to meet the policies and regulations for both Residential and Commercial use.

Note: A Substantial Development Permit is not required for construction of a single-family residence by an owner, lessee, or contract purchaser for his own use or the use of his family. However, such construction and all normal appurtenant structures must otherwise conform to this

Master Program and obtain a Letter of Exemption. In addition, when applicable, all residential development is subject to the variance and conditional use requirements of this Master Program. For example, a variance will be required for any residential development that proposes to locate within the shoreline environment setbacks established in Chapter 5 of this Master Program.

Uses and facilities associated with residential development, which are identified as separate use activities or modifications in this Master Program, such as clearing, grading and landfill are subject to the regulations established for those uses in this section.

Policies

Policy 8.13.1 Discourage residential structures or accessory structures in areas waterward of the ordinary high water mark, within nearshore management areas, or within wetlands, habitat conservation areas, flood hazard areas, landslide hazard areas or their respective buffers.

Policy 8.13.2 Ensure that all residential development is designed:

a. At a level of density of site coverage and occupancy compatible with the physical capabilities of the shoreline area, and consistent with the density provisions of the Port Townsend Comprehensive Plan and zoning code.

b. To preserve and enhance existing shoreline vegetation, control erosion and protect water quality, ecological resources and shoreline aesthetics of the shoreline both during and after construction.

c. To protect public views and provide public access to the shoreline. In accordance with the Public Access requirements in Chapter 7, residential developments of more than four (4) dwelling units should provide dedicated and improved public access to the shoreline.

d. To comply with the critical areas provisions of Chapter 6 of this Master Program.

e. To not significantly block views enjoyed by a substantial number of residences. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

f. To blend into the site as much as possible.

g. To locate sewage disposal drain fields, in those limited circumstances where they are permitted, in appropriate areas (e.g., not subject to flooding or likely to decrease slope stability).

Policy Consider additional design features for new subdivision and short

8.13.3 subdivisions that:

a. Cluster dwelling units in order to preserve natural features, minimize physical impacts, and provide for public access to the shoreline.

b. Maintain usable waterfront areas for the common use of all property owners within the development.

c. Are serviced by sanitary sewer and public water facilities in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

Policy 8.13.4 Encourage joint use of shoreline facilities, including access stairs.

Development Regulations

DR-8.13.1 Clearing and grading associated with a single-family residence may be exempted from the shoreline substantial development permit (SSDP) requirement, provided the following conditions are met:

a. The clearing and grading activity is confined to the construction site and;

b. Grading does not exceed 250 cubic yards.

DR-8.13.2 Residential structures shall not be located in areas subject to flooding or tidal inundation unless complete flood proofing measures have been provided, and then only when the location of such structures will not aggravate flooding possibilities of nearby properties.

DR-8.13.3 Residential development shall be:

a. Located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future.

b. Designed to minimize potential conflicts with the use of adjacent public lands and areas of public access. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.

DR-8.13.4 Subdivisions:

a. Shall comply with local plans, codes, and/ordinances.

b. Shall be designed to exemplify the definition and policy of the applicable shoreline designation as well as the environmental and physical capabilities of the subject site.

c. Shall be prohibited if flood control or shoreline protection measures are necessary to

create a residential lot or site area.

d. May be required to cluster residential units and structures to avoid wetlands, habitat conservation areas or landslide hazards that are located on the development site.

e. Shall be designed to minimize potential impacts conflicts with the use of adjacent public lands and areas of public access. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.

f. Shall comply with the applicable policies and performance standards of this Master Program, with regard to roads, utilities, and other improvements.

Public Access

DR-8.13.5 Public access to publicly owned shorelines shall be maintained.

DR-8.13.6 Public access improvements shall be designed to include measures to prevent overflow usage from common and public areas upon privately owned shore lands and uplands. Appropriate measures may include fences or landscaping.

DR-8.13.7 Developments of more than four (4) dwelling units adjacent to the waterfront shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of twenty-five (25) feet in width and shall comply with the public access standards contained in this Master Program (see Chapter 7, “Public Access”).

Environmental Protection

In *addition* to the *General Environmental Policies* presented in Chapter 6, Sections 6.3-6.4, residential development shall comply with the following standards:

DR-8.13.8 All developments shall comply with the DOE Stormwater Management Manual for Western Washington, city engineering design standards manual, city stormwater master plan, and adopted drainage basin plans for all clearing and grading activities, for erosion control during construction and for permanent drainage system improvements.

DR-8.13.9 Developments containing marshes, swamps, lagoons, or similar wetlands shall use those areas only for the purpose of parks, open space, or passive recreational facilities.

DR-8.13.10 Alteration of topography for building sites, access roads, and utilities shall be conducted in compliance with the applicable policies and performance standards of this Master Program.

DR-8.13.11 Sewage disposal systems shall not be located within wetlands, habitat conservation areas, landslide hazard areas, or their buffers, or in the floodplain.

8.14 Scientific, Cultural and Educational Facilities

Scientific, cultural and educational facilities include those sites, structures, or facilities that provide unique insight into our natural or cultural heritage.

Policies

Policy 8.14.1 Work toward implementation of the Natural Historic Preservation Act of 1966 and the Washington State Parks and Recreation Commission Act (RCW 43.51) and provide wherever possible for the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American, Washington State, or local history, architecture, archaeology, or culture.

Policy 8.14.2 Consult with the Washington State Office of Archaeology and Historic Preservation and professional consultants to review proposed project areas for potential valuable data and to establish procedures for salvaging that data.

Policy 8.14.3 Permanently preserve sites, where feasible, consistent with constitutional and statutory limitations, for scientific study and public observation.

Policy 8.14.4 Relocate historic structures, when deemed necessary to protect the resource from natural elements (e.g., Point Wilson Lighthouse from high wind and waves), in a manner that preserves the historic integrity of the structure and the site, as applicable, to the extent feasible.

Policy 8.14.5 Provide for site inspections and an evaluation of a professional archaeologist. Ensure that archaeological data is properly salvaged by attaching special conditions to development activities in areas known to contain archaeological data.

Policy 8.14.6 Prevent public or private developments from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities wherever feasible, consistent with constitutional and statutory limitations.

Policy 8.14.7 Ensure that excavation activities are conducted in compliance with the applicable policies and standards of this Master Program.

Development Regulations

DR-8.14.1 No development or substantial development shall be undertaken with regard to a site or structure that has probable historical, scientific, or

archaeological significance until an evaluation of the site or structure has been made by an authority judged competent in such matters by the Shoreline Administrator.

DR-8.14.2 All feasible means shall be employed to ensure that data, structures, and sites having historical, scientific, educational, or archaeological significance are extracted, preserved, or used in a manner commensurate with their importance.

DR-8.14.3 Consistent with constitutional and statutory limitations, public and private developments shall be located and designed to prevent destruction and alteration of sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.

DR-8.14.4 All shoreline permits shall contain provisions that require developers to immediately stop work and notify the City of Port Townsend if any items of archaeological or historical interest are uncovered during excavation. In such cases, the developer shall be required to allow site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological/historical data are properly salvaged.

DR-8.14.5 The establishment, restoration, or revitalization of historical, archaeological, scientific, or educational facilities shall be done in such a manner that would cause minimal disturbance to adjacent properties as well as natural features of the shoreline.

DR-8.14.6 Excavation of Indian artifacts shall be conducted in compliance with the Washington State Archaeological Sites and Resources Act (RCW 27.53).

DR-8.14.7 Excavation activities shall be conducted in compliance with the applicable policies and standards of this Master Program.

8.15 Transportation Facilities

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, ferry terminals, railroad facilities, and boat and floatplane terminals. Under this master program, bikeways, walkways and trails are addressed under Section 8.12 “Recreational Facilities”.

Policies

Policy 8.15.1 Discourage the location of new major highways, freeways or railroads in the shoreline jurisdiction.

Policy 8.15.2 Reserve new roads for local access traffic or to connect to and serve existing transportation facilities.

Policy 8.15.3 Avoid unnecessary duplication of roads by making use of existing roads where practicable. New wetland crossings by roads or trails should be avoided.

Policy 8.15.4 Plan road locations to fit the topography so alterations of natural conditions will be minimized.

Policy 8.15.5 Make provisions for scenic corridors safe pedestrian and other non-motorized travel when designing new public roadways. Also, provisions should be made for sufficient viewpoints, rest areas, and picnic areas in public shorelines.

Policy 8.15.6 Coordinate plans for transportation facilities with land use. Plans for transportation facilities should be consistent with the Port Townsend Comprehensive Plan.

Development Regulations

DR-8.15.1 When feasible, major highways and railroads shall be located away from the shoreline.

DR-8.15.2 Whenever possible, roads shall be located on natural benches, ridge tops, or other areas where alteration of natural features such as soils will be minimal.

DR-8.15.3 Roads shall be located to avoid critical areas. Landfills for transportation facility development are prohibited in water bodies, wetlands, and on accretion beaches, except when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program. Such landfill may be permitted as a Conditional Use Permit and must comply with the provisions of Section 9.6, "Landfills."

DR-8.15.4 Roads and waterway crossings shall be prohibited within wetlands or critical fish and wildlife conservation areas except when all upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program: When permitted, these facilities shall be:

a. The minimum width to accommodate the anticipated use.

b. Designed so the integrity of the naturally occurring geohydraulic process is maintained.

c. Designed to provide minimal disturbance to banks.

DR-8.15.5 Culverts, bridges and similar devices shall be designed to pass water, sediment, and debris loads anticipated under appropriate hydraulic analysis.

DR-8.15.6 All roads and drainage systems shall be maintained to prevent erosion and/or water quality degradation.

DR-8.15.7 Mechanical apparatus, rather than chemicals, shall be used for brush

clearing maintenance wherever practicable.

DR-8.15.8 Herbicides used for maintenance along roads and drainage systems shall follow the performance standard outlined under "Chemical Application" of the "Clearing, Grading and Vegetation Management" subsection.

DR-8.15.9 Road routes shall make provisions for pedestrian, bicycle, and other non-motorized modes of travel whenever feasible.

DR-8.15.10 In compliance with RCW 36.87.130 and RCW 35.79.030, the City of Port Townsend shall not vacate a road or part thereof that abuts on a body of salt or fresh water, unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, view point, recreational, educational, or other public purposes, or unless the property is zoned for industrial purposes. Further, such vacation shall not be accomplished for any purpose that is not consistent with this Master Program, and then only when all appropriate federal, state, and local permits have been issued for the intended use.

Ferry Terminals

DR-8.15.11 Limited food service may be allowed as an accessory use within the waiting area of a publicly owned and operated ferry terminal. Said facilities shall be limited in size to serve passengers and employees.

8.16 Utilities (Primary)

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, water, sewage, communications, oil, gas, stormwater, and the like. The provisions in this section apply to primary use and activities such as sewage treatment plants, sewer lift pumps, stormwater outfalls and fuel storage facilities. On-site utility features serving a primary use, such as water, sewer or gas line to a residence, are "accessory utilities" and shall be reviewed as appurtenances to the primary use (in this example, the residential use).

Utilities are further described as major and minor to allow for a simplified permit process for minor utility improvements. As used in this Master Program, major utilities include substations, pump stations, treatment plants, sanitary sewer outfalls, regional stormwater outfalls, electrical transmission lines greater than 55,000 volts, water, sewer or storm drainage mains greater than eight (8) inches in diameter, major recycling facilities (as defined by the PTMC) gas and petroleum transmission lines, and submarine telecommunications cables. Minor utilities include local public water, electric, minor recycling facilities (as defined by the PTMC), natural gas distribution, public sewer collection, cable and telephone service and appurtenances.

Wireless facilities are described in the use table (Chapter 5) as macro, mini, and micro consistent with the city's "Personal Wireless Service

Facilities" ordinance codified in Chapter 17 of the Port Townsend Municipal Code.

Policies

Policy 8.16.1 Incorporate, to the extent feasible, major utility corridors on shorelines into the city's programs and plans for public access to and along water bodies.

Policy 8.16.2 Prohibit solid waste disposal activities and facilities, other than minor recycling facilities as defined by the PTMC, in shoreline areas.

Policy 8.16.3 Locate utilities outside of critical areas and their buffers as required by Chapter 6 of this Master Program and Chapter 19.05 PTMC.

Policy 8.16.4 Ensure that whenever utilities must be placed in a shoreline area, the location is chosen to:

a. Meet the needs of future populations in areas planned to accommodate this growth.

b. Utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.

c. Preserve scenic views and aesthetic qualities of the shoreline area.

d. Be located such that shoreline defense works will not be required for the life of the project.

e. Sewage treatment, water reclamation, desalinization, and power plants should be located where they do not interfere and are compatible with adjacent uses of the water and shore lands.

Policy 8.16.5 Restore the land/substrate to its pre-project configuration upon completion of installation/maintenance of utilities in shorelines, Disturbed areas should be replanted with native species, and be provided with irrigation and maintenance care until the newly planted vegetation is established.

Development Regulations

General

DR-8.16.1 Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way.

DR-8.16.2 Utilities shall be designed and installed to meet future needs when possible.

DR-8.16.3 Personal wireless facilities shall comply with the city's "Personal Wireless Service Facilities" ordinance codified in Chapter 17 of the Port Townsend Municipal Code.

Uses

DR-8.16.4 The following utilities are prohibited within the shoreline jurisdiction:

a. Solid waste disposal and transfer facilities, other than minor recycling facilities as

defined by the PTMC

b. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those instances where no other alternative exists, the use may be permitted as a conditional use. However, automatic shut-off valves shall be provided on both sides of the water body.

c. Fuel storage facilities (excepting fuel storage that is accessory to a permitted use).

DR-8.16.5 Minor utilities are allowed as a permitted use provided that, within the Natural and Conservancy designations, it has been determined that no other feasible alternative exists

DR-8.16.6 Upgrades to existing major utilities are permitted.

DR-8.16.7 **The following new major utility facilities may be permitted as a conditional use if it can be shown that no reasonable alternative exists.**

DR-8.16.8 Applications for the installation of major utility facilities shall include the following:

a. Description of the proposed facilities;

b. Reasons why the utility facility requires a shoreline location;

c. Alternative locations considered and reasons for their elimination;

d. Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project;

e. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility;

f. Plans for control of erosion and turbidity during construction and operation; and

g. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.

Location

DR-8.16.9 Utilities shall be located adjacent to or within existing utility or circulation easements or rights-of-way whenever feasible. Joint use of rights-of-way and corridors is encouraged.

DR-8.16.10 Sewage treatment, water reclamation, desalinization, and power plants shall be located to minimize interference with adjacent uses of the water and shore lands.

Public Access

DR-8.16.11 When feasible, utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner. Public access easements shall be a minimum of twenty-five (25) feet in width and shall comply with the public access standards contained in this Master Program (see Chapter 7, "Public Access").

Environmental Protection

In *addition* to the *General Environmental Policies* presented in Chapter 6, Sections 6.3-6.4, utilities shall comply with the following standards:

DR-8.16.12 Utilities shall be located, designed, constructed, and operated so as to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses.

DR-8.16.13 To protect aesthetic qualities of the shoreline, new utility lines including electricity, communications, and fuel lines shall be located underground where feasible as determined by the Shoreline Administrator.

DR-8.16.14 Utility developments shall be located and designated so as to avoid, to the extent practicable, the need for any structural or artificial shoreline modification works for the life of the project.

DR-8.16.15 Utilities located in flood prone areas shall be provided with adequate flood protection and shall not be installed to increase flood hazard or other damage to life or property.

DR-8.16.16 Underwater construction of utilities or construction in adjacent wetlands shall be timed to avoid fish and wildlife migratory and spawning periods.

DR-8.16.17 Installation of utilities shall assure the prevention of siltation or beach erosion.

DR-8.16.18 Upon completion of installation/maintenance of utilities in shorelines, the land/substrate shall be restored to its pre-project configuration, replanted with native species, and be provided with maintenance care until the newly planted vegetation is established.

Chapter 9
Specific Modification Policies and Development Regulations

SECTIONS:

9.1 Introduction -- Applicability

9.2 General Policies and Regulations

9.3 Alteration of Natural Landscape -- Clearing, Grading and Vegetation Removal

9.4 Docks, Piers and Floats

9.5 Dredging and Dredge Spoil Disposal

9.6 Landfills

9.7 Shoreline Stabilization Measures and Flood Protection Works

9.1 Introduction - Applicability

What is a shoreline modification?

Shoreline modification activities are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to, structures such as bulkheads and piers and actions such as clearing, grading, and removing vegetation. Generally, shoreline modifications are undertaken for the following reasons:

a. To prepare for a shoreline use;

b. To support an upland use; or

c. To provide shoreline stabilization or defense from erosion.

A single shoreline use may require several different shoreline modification activities. For example, a new boat storage yard may require clearing and grading of the upland yard and construction of a jetty and docks in the water.

Can a shoreline modification be proposed without an associated use? Under this Master Program, speculative shoreline modifications not tied to or required as part of a specific permitted use, an existing legal development or necessary to ensure the publics health and safety are prohibited. (Note that permitted uses include restoration and habitat enhancement pursuant to Chapter 5 of this Master Program.)

Proposals for shoreline modifications are to be reviewed for compliance with the applicable “use” policies and regulations in Chapter 8 and the applicable “modification” policies and regulations of this Chapter.

Can a variance be granted to construct a shoreline modification listed as “prohibited” or to deviate from the performance standards?

Shoreline modifications listed as “prohibited” are not eligible for consideration as a shoreline

variance. Deviations from the minimum performance standards may be approved under a shoreline variance unless specifically stated otherwise.

9.2 General Policies and Regulations

Policies applicable to all shoreline modifications

Policy 9.2.1 Locate and design all new development in a manner that prevents or minimizes the need for shoreline modifications.

Policy 9.2.2 Ensure that shoreline modifications, where permitted, are as compatible as possible with natural shoreline processes and character.

Policy 9.2.3 Regulate shoreline modifications to assure that the modifications individually and cumulatively do not result in a net loss of ecological functions. Mitigation may be required to meet the no net loss standard.

Policy 9.2.4 Give preference to those types of shoreline modifications that have a lesser impact on ecological functions and require mitigation of identified impacts resulting from shoreline modifications.

Policy 9.2.5 Incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes in the placement and design of shoreline modifications. To avoid and reduce ecological impacts, the mitigation sequence in WAC 173-26-201 (2)(e) should be followed.

Regulations applicable to all shoreline modifications

DR-9.2.1 Shoreline modification activities that do not support a permitted shoreline use are considered “speculative” and are prohibited by this Master Program, unless it can be demonstrated, to the satisfaction of the Shoreline Administrator that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.

DR-9.2.2 Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, relocation, and bioengineering.

DR-9.2.3 Shoreline modification activities, with the exception of shoreline restoration or enhancement efforts, are prohibited in wetlands, and on undeveloped spits, hooks, bars, barrier beaches, or similar accretion terminals or accretion shore forms.

DR-9.2.4 Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.

9.3 Alteration of Natural Landscape - Clearing, Grading and Vegetation Removal

(See also Environmental Protection - Water Quality- Application of Pesticides/Herbicides and Fertilizers)

Protection of the shoreline resources is an overarching goal of the Shoreline Management Act and this master program. Alteration of the natural landscape can cause changes in the structure and functioning of shoreline habitats and alter use of the habitats by fish, shellfish, birds, marine mammals and other organisms. It can destabilize bluffs, increase erosion, siltation, runoff/flooding, change drainage patterns, reduce flood storage capacity and damage habitat. To minimize impacts to shoreline resources, this master program regulates alteration of the landscape (including but not limited to clearing, grading, and vegetation removal). Although clearing may not always be considered “development” that triggers a substantial development permit, clearing and vegetation removal as activities that impact shoreline resources are regulated in order to achieve the design goals and objectives of the Shoreline Management Act.

Clearing and grading are activities associated with developing property for a particular use including commercial, industrial, residential, or public use. Specifically, “clearing” involves the destruction or removal of vegetation, including but not limited to, root material removal and/or topsoil removal. “Grading” involves the physical alteration of the earth’s surface and/or surface drainage pattern by either recontouring, excavating or filling.

Landfill, defined as placement of dry fill on existing dry or existing wet areas to create new land or raise the elevation, is addressed in Section 9.6, Landfill.

Vegetation removal means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. Trees, shrubs and groundcovers can maintain slopes and reduce erosion from surface water, shallow groundwater and, to some extent, coastal processes. Field and laboratory studies have demonstrated the cause-and effect relationship of vegetation removal and either increased rates of erosion or higher frequencies of slope failure. Vegetation removal is typically associated with "landscaping" improvements or limbing to create or enhance views. (Detailed definitions are provided in Chapter 15, Definitions).

Policies

Policy 9.3.1 Prohibit speculative clearing, grading or vegetation removal. Allow alteration of the natural landscape only in association with existing legal uses or a new permitted shoreline use or development. Exceptions may be granted for vegetation removal in association with an inhabited legal, non-conforming structure, noxious weed abatement, maintenance or maintenance/restoration of historic viewsheds on public lands within a National Landmark Historic District (e.g. viewsheds from the bunkers in Fort Worden State Park).

Policy 9.3.2 Limit alteration of the natural landscape to the minimum necessary to accommodate the shoreline development or a landscape scheme developed in conjunction with the shoreline development.

Policy 9.3.3 In those limited circumstances where clearing and grading is

permitted within areas classified by the city's CAO as critical fish and wildlife habitat, wetland, or geologically hazardous areas or their buffers, require mitigation in order to ensure no net loss of functions and values of the shoreline environment. When such activity requires a Reasonable Use Exception pursuant to Section 19.05.050(D) of the critical areas ordinance, a shoreline variance is also required.

Policy 9.3.4 Allow clearing and grading within shoreline setbacks only when conducted in accordance with an approved landscape plan designed to maintain the functions and values of the shoreline environment, including protection of habitat and shoreline bluffs.

Policy 9.3.5 Place priority on retention of snags and live trees that provide nesting or perching for eagles, other raptors, or priority species.

Policy 9.3.6 Use best management practices (BMPs) during clearing and grading to control erosion.

Development Regulations

Note that all clearing, grading and vegetation removal activities must also be consistent with the environmental protection regulations in Chapter 6, when applicable.

DR-9.3.1 Alteration of the natural landscape shall only be allowed as set forth below:

a. Landscaping or maintenance associated with an existing legal use or new permitted shoreline use or development.

b. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the city's engineering design standards and native vegetation is promptly reestablished in the disturbed area. (Note that removal of noxious weeds within critical areas may require a minor activities permit pursuant to PTMC 19.05.040(A)(2)).

c. Modification of vegetation in association with a legal, non- conforming use provided that said modification is conducted in a manner consistent with this master program and results in no net loss to ecological functions or critical fish and wildlife conservation areas.

d. Maintenance or restoration of historic view sheds situated on public lands within a National Landmark District (e.g., bunkers at Fort Worden) provided that said activity is conducted in a manner consistent with this master program and results in no net loss to ecological functions or critical fish and wildlife conservation areas.

e. Restoration activities conducted in accordance with an approved plan designed to improved ecological functions and values.

DR-9.3.2 All clearing and grading activities shall be limited to the minimum necessary for the intended development.

DR-9.3.3 Exposed soils shall be immediately developed or revegetated to

prevent erosion.

DR-9.3.4 Revegetation must be planted such that complete coverage of exposed soils is attained within one growing season.

DR-9.3.5 In all cases where clearing is followed by revegetation, native plants shall be preferred.[1] Lawns are discouraged due to their limited erosion control value, limited water retention capacity and associated chemical and fertilizer applications.

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[1] For guidance, the City of Port Townsend, in consultation with appropriate local and state agencies, will provide a list of native plants that are adapted to riparian conditions. The Washington Department of Fish and Wildlife can also provide a list of species that benefit riparian habitat areas.

DR-9.3.6 Clearing and grading within required shoreline setbacks shall only be permitted upon approval of a detailed landscape plan for revegetation. (The Shoreline Administrator may waive this requirement when potential impacts to shoreline resources are insignificant.) The landscape plan shall include:

a. A map illustrating the distribution of existing plant communities in the area proposed for landscaping. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or man-made disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife habitat values, slope stabilization).

b. If applicable, a description of the intertidal shade conditions created by existing vegetation. This description shall include an inventory of overhanging vegetation as well as a determination of how much shade is created in the intertidal zone by standing trees, during midday at midsummer.

c. A detailed landscape map indicating which areas will be preserved and which will be cleared, including tree removal.

d. Drawings illustrating the proposed landscape scheme, including the type, distribution, and density of plants. Any pathways or nonvegetated portions should be noted.

e. A description of any vegetation introduced for the purposes of fish and wildlife habitat. Significant loss of wildlife habitat shall be mitigated in accordance with Chapter 6 of this master program. If on-site mitigation habitat is not possible, off-site mitigation shall be permitted at a minimum replacement ratio of one-to-one-and-a-quarter (1:1.25) (habitat lost to habitat replaced).

The revegetation landscaping required by this regulation shall meet the following standards:

f. At the time of planting, shrubs must be eighteen (18) inches high. Shrubs should be

planted such that within two years the shrubs will cover at least sixty percent (60%) of the area that would be covered when the shrubs have attained a mature size. At the time of planting, deciduous trees must be at least two (2) inches in caliper as measured one (1) foot above grade, and coniferous trees must be at least five (5) feet in height.

g. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water system, an alternative method (e.g., hand watering) may be approved.

h. For a period of two (2) years after initial planting, the applicant shall replace any unhealthy or dead vegetation planted as part of an approved landscape plan.

DR-9.3.7 Trimming of trees and vegetation is allowed within shoreline setback areas without a landscape plan, provided:

a. This provision is not interpreted to allow clearing of vegetation,

b. Trimming does not include topping, stripping or imbalances; a minimum of 60% of the original crown shall be retained to maintain tree health,

c. Trimming does not directly impact the nearshore functions and values including fish and wildlife habitat,

d. Trimming is not within a wetland or wetland buffer, and

e. Trimming in landslide and erosion hazard areas does not impact soil stability.

DR-9.3.8 Stabilization of exposed erosional surfaces along shorelines shall, whenever feasible, utilize soil bioengineering techniques.

DR-9.3.9 All shoreline development and activity shall use effective measures to minimize increases in surface water run off that may result from clearing and grading activity. The applicant must implement best management practices in compliance with Chapter 5, Clearing, Grading, and Erosion Control under the City's Engineering Design Standards. Submittal requirements may include a plan addressing species removal, revegetation, irrigation, erosion and sedimentation control, and other methods of nearshore/riparian corridor protection in accordance with the City's Engineering Design Standards.

DR-9.3.10 The city may require a performance bond as a condition of permit approval, to ensure compliance with this Master Program.

9.4 Docks, Piers and Floats

Docks are fixed structures floating upon water bodies. Piers are fixed, pile-supported structures. Floats are floating structures that are moored, anchored, or otherwise secured in the water that are not connected to the shoreline. Boathouses are covered structures used for the storage or moorage

of watercraft, including float-equipped aircraft.

Docks, piers, and floats that serve four or fewer boats regularly moored are reviewed as recreational facilities. Proposals for five or more boats are considered marinas and are also regulated under Section 8.8, "Marinas." Mooring buoys are regulated under Section 8.10

(Note: Over-water structures typically require permits from local, state, and federal agencies. For structures overlying state owned lands, an Aquatic Lands Lease and/or authorization from the Department of Natural Resources is required.)

Policies

Policy 9.4.1 Limit docks, piers and floats to those required as part of a use permitted or conditionally permitted per Section 5.6 of this Master Program.

Policy 9.4.2 Prohibit docks, piers and floats located outside of a permitted marina to be used for permanent moorage of occupied boats (i.e., liveaboards).

Policy 9.4.3 Prohibit boathouses.

Policy 9.4.4 Ensure that docks, piers, and floats are:

a. Compatible with the shoreline area where they are located. Consideration should be given to shoreline characteristics, tidal action, aesthetics, and adjacent land and water uses.

b. Discouraged at locations where critical physical limitations exist, such as shallow, sloping bottoms; areas of frequent high wind, wave, or current exposure; high littoral drift areas; or slide prone and/or feeder bluffs.

c. Designed and maintained to avoid adverse impacts of the environment and shoreline aesthetics and minimize interference with the public use of the water.

d. Designed, constructed, and maintained to provide a reasonable level of safety to users.

Policy 9.4.5 Encourage the use of mooring buoys in place of piers, docks, and floats.

Development Regulations

DR-9.4.1 The following dock, pier, and float developments are prohibited in the shoreline jurisdiction:

a. Piers, docks, boat houses, and floats used for residential purposes. Boats that are occupied shall not be permitted to moor at piers, docks, or floats longer than three (3) days unless pump-out facilities are available.

b. Private piers, docks, and floats in order to reduce the proliferation of structures on the shoreline, except those required in support of a permitted water-dependent use, or those developed primarily to provide public access to the shoreline.

c. Covered moorage and over-water boathouses.

d. Fill waterward of the ordinary high water mark or within a marsh, bog or swamp to accommodate a dock, pier, or float.

e. Docks, piers, and floats in the Natural environment designation.

DR-9.4.2 Design and construction of all piers and docks (and floats) are required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b).

DR-9.4.3 The design, location, and construction of docks, floats, and piers, as well as their subsequent use and operation, shall

a. Minimize adverse effects on fish, shellfish, wildlife, water quality, and geohydraulic processes. Methods include but are not limited to: limiting the footprint of the structure to that which is necessary to serve the intended use and minimizing the use of materials hazardous to the environment.

b. Be capable of withstanding expected environmental conditions.

c. Minimize hazards to users.

d. Minimize interference with adjacent water uses and navigation.

DR-9.4.4 Docks, Piers and Floats shall adhere to the following design standards:

a. Railings, if provided, shall be of clear or open framework design and conform to the Building Code where required.

b. Utility service on docks and piers shall be placed on or under the deck. Overhead utility service is prohibited. Floodlighting shall be shielded to prevent unnecessary glare.

c. Appropriate marking shall be provided as necessary to avoid hazardous conditions for water surface users.

Setbacks, Height, and Dimensional Requirements

DR-9.4.5 Upland boathouses shall meet required setbacks.

DR-9.4.6 Docks and piers shall not extend beyond the inner harbor line.

DR-9.4.7 Docks and floats shall not extend more than three feet in height above the water, nor exceed six feet in width, provided, however, that this limitation does not apply to construction or reconstruction of docks and floats within a marina that are consistent with local, state

and federal environmental review and permitting processes.

DR-9.4.8 In determining the appropriate height of a proposed pier, the following shall be taken into consideration: shading of critical saltwater habitats, passage below the structure for non-motorized recreational vessels, and aesthetics.

9.5 Dredging and Dredge Spoil Disposal

What is it? Dredging is the removal or displacement of earth such as gravel, sand, mud, or silt from lands covered by water. Lands covered by water include tidelands, marinas and wetlands. Dredging is normally done for, and in this Master Program must be associated with, a specific purpose or use such as maintaining navigation channels, developing/expanding marinas, constructing bridge footings, laying submarine cable and in some cases aquaculture (See Aquaculture, Section 5.6).

Dredging to restore pre-existing contours within a designated and authorized navigation channel or basin is considered normal maintenance (i.e. maintenance dredging) and is exempt from the requirement for a substantial development permit. Dredging is only maintenance where there is a designated and authorized facility such as a marina, federal navigation channel or a berth authorized by permit. If operations expand the channel or basin, a permit is required even if the marina or similar project has been operating for years.

Dredge spoil is the material removed by dredging. Dredge spoil disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands or for disposing of the dredge material (See also, Landfill, Section 9.6).

Policies

Policy 9.5.1 Restrict maintenance dredging associated with an authorized use (though exempt from a substantial development permit) to maintaining previously dredged and/or existing authorized location, depth, and width. If operations expand the channel or basin, a permit is required even if the marina or similar use has been operating for years.

Policy 9.5.2 Site and design new development to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Policy 9.5.3 Allow dredging for the purpose of establishing, expanding, or relocating or reconfiguring permitted water-dependent uses (e.g., navigation channels and marina basins) where necessary for assuring safe and efficient accommodation of navigational uses.

Policy 9.5.4 Prohibit dredging waterward of the ordinary high-water mark (OHWM) for the primary purpose of obtaining fill material, 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 ordinary high-water mark. The project must be either associated with a Model Toxic Controls Act (MTCA) or Federal

Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

Policy 9.5.5 Plan and conduct dredge and dredge disposal operations in a manner that avoids or minimizes interference with navigation and significant ecological impacts. Impacts, which cannot be avoided, should be mitigated in a manner that assures no net loss of shoreline ecological functions.

Policy 9.5.6 Allow dredge spoil disposal:

a. In water areas only for habitat improvement to correct problems of material distribution adversely affecting fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.

b. On land in areas where environmental impacts will not be significant.

Policy 9.5.7 Encourage beneficial use of dredge materials (e.g. beach nourishment, capping superfund sites on uplands) as an alternative to deep-water disposal.

Development Regulations

DR-9.5.1 Maintenance dredging associated with an authorized use, though exempt from a substantial development permit, shall only be conducted upon the completion of a dredge materials management plan for the site based on compliance with the policies and performance standards of this Master Program.

DR-9.5.2 Dredging (that is not considered normal maintenance) and dredge spoil disposal shall require a conditional use.

DR-9.5.3 Dredging and dredge spoil disposal shall not occur in wetlands, except if the wetland alteration policies and regulations in Chapter 6 are followed. Dredging and dredge spoil disposal in wetlands can occur only for the purposes of enhancing valuable wetland functions.

DR-9.5.4 Unless waived by the Shoreline Administrator, applications for shoreline dredging and dredge spoil disposal shall provide, at a minimum, the following information:

a. Physical, chemical, and biological analysis of material to be dredged, including material composition, particle size distribution, volume and amount, organic content, source of material, volatile solids, chemical oxygen demand (COD), grease and oil, oxygen and heavy metals, nutrients, sulfides and biological organisms, both permanent and migratory/transitory.

b. Dredging technique, schedule, frequency, hours of operation, and procedures.

c. Method of dredge spoils disposal, including the location, size, capacity and physical

characteristics of the soil disposal area, transportation method and routes, hours of operation, and schedule.

d. Demonstration that the sediment meets all state standards (e.g., a letter from the appropriate regulatory agency (ies)) that the sediment meets all applicable standards for placement at the proposed location. Assessment of water quality impacts shall be included as an attachment.

e. Location and stability of bedlands adjacent to proposed dredging area.

f. Hydraulic analyses, including current flows, direction, and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging and/or disposal projects.

g. Biological assessment including migratory, seasonal, and spawning factors.

DR-9.5.5 Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts and impacts, which cannot be avoided, shall be mitigated in a manner that assures no net loss of shoreline ecological functions. Analysis of proposed dredging or dredge disposal shall include but is not limited to a review of:

a. Conformance with the no net loss standard for ecological processes and functions;

b. Potential damage to water quality, fish, shellfish, and other essential biological elements;

c. Adverse impacts to natural drainage and circulation patterns, and currents, impacts to properly functioning conditions for proposed, threatened or endangered species or the functions and values of critical areas;

d. Potential impacts to natural geohydraulic processes;

e. Interference of navigation or use or value of adjacent properties; and

f. Compliance with all requirements of applicable regulatory agencies.

DR-9.5.6 Proposals for dredging and dredge spoil disposal, when permitted, shall:

a. Be kept to the minimum necessary to accommodate the proposed use.

b. Include all feasible mitigating measures to protect habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, loss of benthic productivity, and disturbance of fish runs and important localized biological communities;

c. Be scheduled so as to not materially interfere with the migratory movements of anadromous fish;

d. Utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging;

e. Not interfere with geohydraulic processes;

f. Be found, through analysis by qualified personnel, to be minimally or nonpolluting; and

g. Meet all requirements of applicable regulatory agencies.

Additional Standards for Dredge Deposits/Disposal

In addition to the regulations above, dredge deposits/disposal shall comply with the following:

DR-9.5.7 Dredged soil material may be disposed at approved upland sites. If these upland sites are dry lands and fall within shoreline jurisdiction, the disposal of dredge spoils shall be considered grading and must be consistent with all applicable provisions of this Master Program. If these upland sites are associated wetlands, then the disposal of dredge spoils shall be considered "landfill" and must be consistent with all applicable provisions of this Master Program.

DR-9.5.8 Water disposal may be permitted if suitable alternatives for land disposal are not available or are infeasible, or if water disposal is proposed and approved for habitat enhancement.

DR-9.5.9 When depositing dredge materials in water areas for ecological enhancement, the proposal shall:

a. Result in habitat improvement; or

b. Correct problems of material distribution adversely affecting fish and shellfish resources; or

c. Enhance geohydraulic shore processes by beach feeding.

DR-9.5.10 Dredge material disposal sites in water areas should be identified by the City in cooperation with the Washington State Departments of Natural Resources, and Fish and Wildlife.

DR-9.5.11 The City may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffer strips at land disposal sites.

9.6 Landfills

Landfill is the creation of or addition to the surface of the land by the filling, placement or depositing of sand, soil, or gravel, or other material on land covered by water, or in a wetland, marsh, bog,

swamp, or similar water detention area. Landfill is normally done for, and in this Master Program must be associated with a specific purpose or use such development of a commercial site, construction of roadways or a jetty.

When backfill of bulkheads involves over one cubic yard per lineal foot shall be evaluated under both this section and Section 9.7 "Shore Stabilization Measures". ." Dredging spoil disposal is regulated under Section 9.5, "Dredging."

Policies

Policy 9.6.1 Prohibit speculative landfills, sanitary and solid waste landfills and landfills in critical areas, except when associated with an approved habitat enhancement/restoration project as provided for in this Master Program.

Policy 9.6.2 Utilize pier or pile supports in preference to landfills.

Policy 9.6.3 Allow landfills waterward of the ordinary high water mark, in those limited circumstances where permitted, only when necessary to facilitate water-dependent uses or ecological restoration projects that are consistent with this program and the City of Port Townsend Comprehensive Plans. Where feasible, public access to the shoreline and the water should be incorporated into the design.

Policy 9.6.4 Ensure that, where permitted, landfills:

a. Are kept to the minimum necessary to provide for the proposed use.

b. Take present and future uses of the site and adjacent properties into consideration.

c. Are located, designed and constructed in a manner that does not significantly create a hazard to adjacent life or properties, nor damage shoreline resources, including water surface reduction, water quality, navigation, flow, current and circulation impediments, recreation, ecological values, and habitat impacts.

Development Regulations

DR-9.6.1 Landfill waterward of the ordinary high-water mark may be permitted as a conditional use only if pile or pier supports are considered infeasible due to the intended use or environmental factors, and further, only when necessary to support:

a. Water-dependent use permitted under this Master Program,

b. Public access,

c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan,

d. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources,

e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible,

f. In conjunction with a bridge, utility, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist,

g. Mitigation action, environmental restoration, beach nourishment or enhancement project.

DR-9.6.2 The following landfill activities shall be prohibited in shorelines jurisdiction:

a. Landfill proposed on wetlands, marshes, bogs, swamps, or other ecologically sensitive areas, except for habitat enhancement as provided for in this Master Program.

b. Speculative landfill activity. (i.e., landfill shall be permitted only when tied to a specific development proposal that is permitted by the Master Program).

c. Sanitary landfills or the disposal of solid waste.

DR-9.6.3 Applications for landfill projects shall include the following information:

a. Proposed use of the landfill area.

b. Analysis of the physical, chemical, and biological characteristics of the fill material demonstrating that the fill is of such quality that significant water quality, ecological impacts, and public health problems would not occur from its placement.

c. Fill must meet all state standards, and an applicant must have approvals from appropriate regulatory agencies. Assessment of water quality impacts shall be included as an attachment.

d. Source of the landfill material.

e. Method of placement and compaction.

f. Location of the landfill relating to natural or existing drainage patterns.

g. Location of the perimeter of the landfill relating to the ordinary high water mark and critical areas.

h. Perimeter erosion control or stabilization means, and schedule for implementation.

i. Type of surfacing and run-off control and treatment devices.

DR-9.6.4 Landfills shall be permitted only where it is demonstrated that:

a. The project has been located, designed, and constructed in a manner that minimizes impacts to ecological processes and functions and where impacts cannot be avoided, mitigation is provided to achieve no net loss.

b. The fill is the minimum necessary to accomplish the proposed use.

c. Present and future uses of the site and adjacent properties have been taken into consideration and protected to the extent feasible, with preference for uses which are consistent with the Act and this Master Program.

d. Where existing public access will be reduced, equivalent public access has been provided on- or off-site as part of the project.

e. Fill material consists only of soil, sand, rock, or gravel. Fill material shall not contain junk, garbage, rubbish, contaminated soil, sewage or other potentially hazardous materials.

f. Placement of landfill will be timed so as to minimize damage to water quality and aquatic life.

g. The landfill has been designed, constructed, and shall be maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Landfill perimeters shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms to prevent material movement. In addition the sides of the landfill shall be appropriately sloped to prevent erosion and sedimentation, both during initial landfill activities and afterwards.

h. Landfills shall not adversely affect normal surface water drainage between adjacent properties.

9.7 Shoreline Stabilization Measures & Flood Protection Works

Shore stabilization works include actions taken to stabilize the shoreline, addressing erosion impacts to property and improvements caused by natural processes, such as current, flood, tides, wind, or wave action.

These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization.

Structural methods can be “hard” or “soft”. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These are static structures traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. "Soft" structural measures rely on softer materials, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Structural shoreline stabilization methods also often result in vegetation removal and damage to near-shore habitat and shoreline corridors. The following methods of shoreline defense are organized from “soft” to “hard”. The use of “soft” methods is the preferred “best practices” choice (if non-structural methods cannot be used or are insufficient) when considering shoreline defense works.

"Soft"

- Vegetation enhancement;
- Upland drainage control;
- Bioengineering/biotechnical measures;
- Beach enhancement;
- Anchor trees; and
- Gravel enhancement.

"Hard"

- Rock revetments;
- Gabions;
- Groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

What constitutes normal repair and maintenance? As applied to shore defense works, "normal repair" and "normal maintenance" include the patching, sealing, or refinishing of existing structures, the replenishment of sand or other material that has been washed away, and the replacement of less than twenty percent (20%) of the structure. Normal maintenance and normal repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant ecological impact is not considered normal maintenance and repair.

What constitutes replacement? As applied to shoreline defense works, "replacement" means the construction of a new structure to perform a shoreline stabilization function when an existing structure can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures are considered new structures under this Master Program.

What is required for additions to existing defense works? Additions to or increases in size of existing shoreline defense works shall be considered new structures.

Is there an exception for protecting a home? Pursuant to the Shoreline Management Act (RCW 90.58.100(6), measures to protect single-family residences occupied prior to January 1, 1992, are

exempt from the requirement to obtain a shoreline substantial development permit.

However, a statement of exemption must be obtained from the City before constructing, adding to or substantially modifying these structures. The City will issue an exemption upon a finding that the structure is designed to minimize harm to the shoreline natural environment and that, to the extent feasible, the structure complies with the policies, prohibitions, and development standards of this Master Program. Mitigation may be required to meet the no net loss standard.

The following policies and regulations apply to all actions and developments that modify the shoreline for the purposes of preventing shore erosion or flooding.

Policies

Policy 9.7.1 Strive to reduce or eliminate the need for structural shoreline modifications activities through application of appropriate land use designations, development standards, and public education.

Policy 9.7.2 Discourage new development requiring structural shoreline defense works.

Policy 9.7.3 Relocating existing structures out of harms way is preferable to construction of structural defense works.

Policy 9.7.4 Allow structural stabilization methods only:

a. After it is demonstrated that nonstructural solutions would not be able to reduce the potential damage sufficiently, and

b. Where it has been demonstrated to be necessary to support or protect a new use consistent with this Master Program, a legally established, inhabited structure or ongoing shoreline use that is in danger of loss or substantial damage or when necessary for reconfiguration of the shoreline for hazardous substance remediation or restoration of ecological functions.

c. Structural stabilization will not be permitted for the indirect purpose of creating land by filling.

Policy 9.7.5 Encourage soft stabilization and protection works, such as protective berms or vegetative stabilization over “hard” structural means such as concrete bulkheads or extensive revetments.

Furthermore, designs that do not interrupt net drift or migration of anadramous fish are preferred (for example, open poling construction is preferable to solid walls, and floating breakwaters are preferable to solid landfills).

Policy 9.7.6 Consider the effect that proposed shore defense works have on ecosystem-wide processes (e.g., sand movement) and functions (e.g., habitat). Make provisions to avoid and minimize impacts where

feasible. Mitigation must be provided to achieve no net loss.

Policy 9.7.7 Give special attention to the effect these structures will have on aesthetic qualities of the shoreline, public access and use of the water.

Development Regulations

DR-9.7.1 Structural stabilization methods shall be permitted when necessary for reconfiguration of the shoreline for mitigation or enhancement purposes. In all other cases, structural stabilization methods shall only be allowed when all of the following criteria are met:

a. Relocation of existing structures, or implementation of nonstructural measures, such as placing the development even further from the shoreline, planting and or retaining vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

b. Structural stabilization has been demonstrated, through a geotechnical report, to be necessary to support or protect a legally established, inhabited structure or ongoing shoreline use that is in danger of loss or substantial damage.

c. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

d. The shoreline defense structure will avoid and minimize adverse impacts to the extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss.

e. The least intrusive (i.e., “softest”) method, sufficient to protect the shoreline use, has been proposed.

f. Structural stabilization is required as part of a hazardous substance remediation plan.

DR-9.7.2 The City shall require and utilize the following information during its review of shoreline stabilization and flood protection proposals:

a. Purpose of the project;

b. Documentation (including photos) of existing (pre- construction) shoreline characteristics;

c. Description of physical, geological, and/or soil characteristics of the area including existing and proposed slope profiles and location of ordinary high water mark;

d. Hydraulic characteristics of the water body within one-half (0.5) mile on each side of the proposed project;

e. Existing shoreline stabilization and flood protection devices within one-half (0.5) mile on each side of the proposed project;

f. Biological characteristics of the area including vegetation, fish and wildlife resources,

and suitability of site to support forage fish spawning;

g. Construction materials including size, shape, quantity, plant types, and soil preparations;

h. Construction methods and timing;

i. Predicted impact upon area shore and hydraulic processes, ecological functions and values, public access, adjacent properties, and shoreline and water uses;

j. Consideration of alternative measures (including non- structural) to achieve the same purpose;

k. Competent technical assurance that the proposed shore defense structure will perform as designed;

l. Description of measures incorporated into the design to address aesthetics and public access; and

m. Evaluation, by a qualified coastal geologist and marine habitat biologist, of the cumulative effects of “hard” stabilization methods within the drift cell; and

n. A geotechnical report documenting the need for the proposed structure. For existing and new development, the geotechnical report must document the need to protect primary structures from damage due to erosion. Hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures.

DR-9.7.3 Shoreline stabilization works, including revetments and bulkheads, shall be located, designed and constructed in such a manner that will:

a. Minimize alterations of the natural shoreline and shoreline processes including sediment feeding of nearby beaches.

b. Minimize damage to ecological functions including wildlife, fish and shellfish habitats.

c. Provide for the long term multiple use of shoreline resources and public access to public shorelines. In the design of publicly financed or subsidized works, consideration should be given to providing pedestrian access to shorelines for low intensity outdoor recreation.

d. Blend with the surroundings and not distract from the aesthetic qualities of the shoreline.

e. Achieve the policy of “no net loss” of ecological functions necessary to sustain shoreline resources.

DR-9.7.4 Use of scrap building materials, asphalt from street work, or any discarded materials, equipment or appliances for the stabilization of

shorelines shall be prohibited except when the recycled materials are found to be functionally, environmentally, and aesthetically equivalent to new materials.

DR-9.7.5 Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation, with preference given to native plantings. All losses in nearshore/riparian vegetation or fish or wildlife habitat shall be mitigated at a minimum ratio of 1:1.25 (habitat lost to habitat replaced).

Hard Stabilization Methods (e.g., revetments, bulkheads)

"Hard" stabilization methods are solid, static structures including rock revetments, gabions, concrete groins, retaining walls and bluff walls, bulkheads, and seawalls (definitions in Chapter 15). The two most common hard methods applied in Puget Sound are revetments and bulkheads.

A revetment is a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against currents and wave action. Revetments are most commonly built of randomly placed boulders (riprap) but may also be built of sand cement bags, paving, or building blocks, gabions (rock filled wire baskets) or other systems and materials. The principal features of a revetment, regardless of type is a heavy armor layer, a filter layer, and toe protection.

Bulkheads are solid or open-pile walls usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect marine bluffs by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting. Bulkheads are typically constructed of poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations.

Additional Policies for Hard Stabilization Methods

In addition to the policies and regulations listed above, proposals for "hard" stabilization methods shall comply with the policies and regulations in this subsection.

Policy 9.7.8 Evaluate the cumulative effect of allowing "hard" stabilization methods along the shoreline prior to permitting new "hard" structures. If it is determined that the cumulative effects cannot be mitigated, then exemptions and permits should not be granted unless denial would violate statutory or constitutional rights.

Policy 9.7.9 Do not permit "Hard" structures as a solution to geo-physical problems such as mass slope failure, sloughing, or landslides. Hard structures should only be approved for the purposes of preventing bank erosion.

Additional Regulations for "Hard" Stabilization Structures

DR-9.7.6 Proposals for hard stabilization structures must first demonstrate that use of natural materials and processes and non-structural solutions to bank stabilization are unworkable.

DR-9.7.7 Hard stabilization structures may be allowed only when evidence is presented which conclusively demonstrates that at least one of the following conditions exist:

a. Erosion threatens a legally established use or existing building(s) on upland property: provided that all other alternative methods of shore protection have proven infeasible.

b. Structural stabilization is necessary to the operation and location of a new, single-family home, or a water-dependent, water-related, or water-enjoyment use consistent with this Master Program; provided that all other alternative methods of shore protection have proven infeasible.

c. Structural stabilization is necessary to retain a landfill that has been approved consistent with the provisions of this Master Program.

d. Structural stabilization is a necessary component of a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or

e. Structural stabilization is necessary as part of a habitat enhancement project.

DR-9.7.8 Bulkheads are to be permitted only where local physical conditions are suitable for such alterations. Factors to consider shall include but are not limited to foundation bearing materials and surface and subsurface drainage.

Siting and Design for Soft Stabilization

DR-9.7.9 Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

Siting and Design for Hard Stabilization

DR-9.7.10 Bulkheads and revetments shall be located landward of the ordinary high water mark and generally parallel to the natural shoreline unless geotechnical evaluation demonstrates the necessity for alternative design. In addition:

a. Where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the eroding bank as possible and in no case shall it be more than six (6) feet from the toe of the bank.

b. A bulkhead for a permitted landfill shall be located at the toe of the fill.

c. Where permitted, a bulkhead must tie in flush with existing bulkheads on adjoining properties, except where the adjoining bulkheads extend waterward of the ordinary high water mark.

DR-9.7.11 Replacement bulkheads may be permitted if there is a demonstrated need to protect primary uses or structures from erosion caused by

currents, tidal action, or waves provided that:

a. The replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions.

b. The replacement structure does not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Minor encroachment may be granted for resurfacing of existing structures in conformance with Washington State Department of Fish & Wildlife regulations.

c. The existing structure is removed unless doing so is found to be detrimental to ecological functions and values.

DR-9.7.12 Bulkheads shall be sited and designed consistent with appropriate engineering principles. Professional geologic site studies or design may be required for any proposed bulkhead if the Shoreline Administrator determines sufficient uncertainties exist.

DR-9.7.13 Bulkheads shall be designed for the minimum dimensions necessary to adequately protect the development.

DR-9.7.14 Bulkheads and revetments shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil/materials.

DR-9.7.15 Adequate toe protection consisting of proper footings, a fines retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.

DR-9.7.16 Materials used in bulkhead construction shall meet the following standards:

a. Bulkheads shall utilize stable, non-erodable, homogeneous materials such as concrete, wood, and rock that are consistent with the preservation and protection of the ecological habitat.

b. Shore materials shall not be used for fill behind bulkheads, except clean dredge spoil from a permitted off-site dredge and fill operation.

DR-9.7.17 If hard stabilization methods are employed the following design criteria shall be met:

a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;

b. Filter cloth must be used to aid drainage and help prevent settling;

c. The toe reinforcement or protection must be adequate to prevent a collapse of the system wave action; and

d. Fish habitat components shall be considered in the design subject to Hydraulic Project Approval by the Washington Department of Fish and Wildlife.

Public Access Provisions

DR-9.7.18 When hard stabilization measures are required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

DR-9.7.19 Stairs or other permitted structures may be built into a hard stabilization structure but shall not extend waterward of it.

Chapter 10
Administration & Permit Procedures

SECTIONS:

10.1 Introduction

10.2 Procedures for Processing Shoreline Permits

10.3 Shoreline Exemptions

10.4 Minor Shoreline Substantial Development Permits (Type II)

10.5 Shoreline Substantial Development Permits (Type III)

10.6 Conditional Use Permits

10.7 Variances

10.8 Table of Permits and Procedures

10.9 Permit Application – Forms and Contents

10.10 Public Notice

10.11 Multiple Permits

10.12 SEPA review

10.13 Decision Maker Approval Criteria

10.14 Administrative Authority and Responsibility

10.15 Appeals

10.16 Application Fees

10.17 Duration of Permits

10.18 Permit Revisions

10.1 Introduction

This chapter establishes an administrative system to assign responsibilities for review of shoreline development permits, to prescribe the processes by which all shoreline permit applications shall be reviewed, public notice provided, and to ensure that all such shoreline permit applications are dealt with in a predictable and equitable manner.

This chapter establishes administrative permit processes for “minor” Conditional Use Permits, “minor” Variances and “minor” Substantial Development Permits. These administrative permit processes provide for public notice and an administrative decision that may be appealed to the City Hearing Examiner.

Multiple Shoreline Permits. This Shoreline Master Program establishes use regulations (permitted, conditionally permitted, and prohibited uses); permit procedures for various levels of development

(permit exemptions, Minor Substantial Development Permits, and Substantial Development Permits), and procedures for variances. In circumstances where both a Conditional Use Permit (minor or full) and a Substantial Development Permit (minor or full) are both required, the applicant shall submit both permits requests simultaneously. Requests for variances (minor or full) shall also be processed simultaneously with other shoreline permits.

10.2 Procedures for Processing Shoreline Permits
10.2.1 Forms

Applications for such permits shall be made on forms provided by the Shoreline Administrator and accompanying material as required by Chapter 20.01 PTMC.

10.2.2 Shoreline Administrator

The Director of the Development Services Department, or his/her designee, shall serve as the Shoreline Administrator. The Shoreline Administrator shall determine the proper procedure for all shoreline permit applications. If there is a question as to the appropriate type of procedure, the Shoreline Administrator shall resolve it in favor of the higher procedure type number.

10.2.3 Development Permits

Activities proposed within the shoreline jurisdiction that fall within the definition of “development” must obtain a Letter of Exemption, a Minor Shoreline Substantial Development Permit, or a Substantial Development Permit. All permit applications to conduct development proposals within shoreline jurisdiction shall be processed according to the procedures of Port Townsend Municipal Code (PTMC) 20.01 Land and Shoreline Development Administrative Procedures. See table 10.8-1 below for summary of permits and procedures.

10.3 Shoreline Exemptions (Type I-A)
10.3.1 Regulated Development Activities

For list of Shoreline exemptions contained in Chapter 2., Section 2.4.

10.3.2 Process

Shoreline exemptions shall be processed as a Type I-A administrative permit application without public notice or comment pursuant to PTMC Chapter 20.01. The decision maker shall be the Shoreline Administrator and administrative appeals heard by the Port Townsend Hearing Examiner.

10.4 Minor Shoreline Substantial Development Permits (Type II)
10.4.1 Regulated Development Activities

Development activities that meet one or more of the following criteria shall be processed as a Minor Shoreline Substantial Development Permit:

a. Remodel, rehabilitation, or other development activities that significantly alter the exterior of an existing building (e.g. adding a fire escape ladder to the exterior of a multi-story structure). Minor modifications to the building such as changes in window or door openings, replacement of roofing material or siding may be processed as a shoreline exemption;

b. Expansions of existing buildings that do not exceed a total of 1,000 square feet, will not exceed one-story in height, and will not increase the height of an existing roof;

c. Temporary buildings or other activities that do not qualify as an exemption because they may have a temporary adverse impact on public views or access;

d. Public access and other associated amenities (such as trails, signage, benches, educational, or recreational facilities) that are located landward of the ordinary high water mark and the fair market value does not exceed $50,000;

e. Underground utility improvements, including utility extensions, within an existing right-of-way; and

f. Minor artwork as defined by this Master Program.

10.4.2 Process

Minor Substantial Development Permits will be processed as a Type II administrative permit application with public notice and comment pursuant to PTMC Chapter 20.01. The decision maker shall be the Shoreline Administrator and administrative appeals heard by the Port Townsend Hearing Examiner.

10.5 Shoreline Substantial Development Permits (Type III)
10.5.1 Regulated Development Activities

Development activities that meet one or more of the following criteria shall be processed as a shoreline Substantial Development Permit:

a. Development activities that do not qualify for either a shoreline Letter of Exemption or a Minor Substantial Development Permit;

b. The construction of overwater structures or improvements waterward of the OHWM;

c. Other development activities of a temporary or permanent nature that are determined by the shoreline administrator to have a probable detrimental impact to public access or public views of the shoreline.

10.5.2 Process

Shoreline Substantial Development Permits will be processed as a Type III permit applications subject to public notice, comment, and a public hearing pursuant to PTMC Chapter 20.01. The decision maker shall be the Hearing Examiner and administrative appeals heard by the City Council.

10.6 Conditional Use Permits
10.6.1 Purpose

The purpose of a Conditional Use Permit is to allow flexibility in varying the application of the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020; provided that Conditional Use Permits should also be granted in a circumstance where denial of the

permit would result in a thwarting of State policy enumerated in RCW 90.58.020. In authorizing a Conditional Use special conditions may be attached to the permit by the City of Port Townsend or by the 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.

10.6.2 Uses Eligible for Conditional Use Approval

Uses that are classified by either Table 5.14-1 or Chapter 8, as conditional uses shall obtain a minor or full Conditional Use Permit.

Uses that are not classified in Chapter 5 or Chapter 8 may be authorized as Conditional Uses provided the applicant can demonstrate compliance with the criteria listed below and all other applicable policies and regulations of this Master Program.

Uses that are specifically prohibited by the Master Program may not be authorized by a Conditional Use Permit.

10.6.3 Minor Shoreline Conditional Use Permits (Type II)

Description

Uses that are classified as a conditional use by the Shoreline Master Program, shall be processed as a minor conditional use if one or more of the following criteria are met:

Process

a. The use will occur entirely within an existing building and involves no changes to the exterior.

b. The use will be associated with development activities that require either a Letter of Exemption or a Minor Substantial Development Permit.

c. The use does not involve any development activities but is classified as a Conditional Use by this Master Program.

Minor Conditional Use Permits will be processed as a Type II administrative permit applications with public notice and comment pursuant to PTMC Chapter 20.01. Minor Conditional Use Permits shall meet the approval criteria listed in Section 10.6.5 below. The decision maker shall be the Shoreline Administrator and administrative appeals heard by the Port Townsend Hearing Examiner.

10.6.4 Shoreline Conditional Use Permits (Type III)

Description

Uses that are classified as a conditional use by the Shoreline Master Program, shall be processed as shoreline conditional uses if the proposed use or development exceeds the criteria established for minor shoreline conditional uses or requires a shoreline Substantial Development Permit.

Process

Shoreline Conditional Use Permits will be processed as Type III permit applications subject to public notice, comment, and a public hearing pursuant to PTMC Chapter 20.01. Conditional Use

Permits shall meet the approval criteria listed in section 10.6.5 below. The decision maker shall be the Hearing Examiner and administrative appeals will be heard by the City Council.

10.6.5 Criteria for Granting Shoreline Conditional Use Permits

Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following:

a. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program;

b. That the proposed use will not interfere with the normal public use of public shorelines;

c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comprehensive plan;

d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

e. That the public interest will suffer no substantial detrimental effect.

f. That the decision maker has given consideration to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total impacts from the Conditional Uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

10.6.6 Filing Conditional Use Permits with the Department of Ecology - Review of Conditional Use Permits

After the decision maker has made a final decision on a Conditional Use Permit application, the Administrator shall file the Permit with the Department of Ecology for its approval, approval with conditions, or denial. A permit data sheet in the form provided under WAC 173-27-990 (Appendix H) shall be submitted to the Department of Ecology with each Conditional Use Permit. The Department of Ecology will issue its decision on a Conditional Use Permit within thirty (30) days of filing.

Filing is not complete until all the required documents have been received by the Department of Ecology and the Attorney General.

Upon receipt of the Department of Ecology's decision, the Administrator shall notify those interested persons who requested notification of such decision.

Development authorized by a Conditional Use Permit shall not begin until twenty-one (21) days from the date the Department of Ecology renders a decision on the Conditional Use Permit and transmits that decision to the Administrator (date of filing). The Department of Ecology shall notify the Administrator of the date of filing on an individual Conditional Use Permit. In the event of an appeal refer to the provisions of RCW 90.58.140 for when construction work may begin.

10.7 Variances

10.7.1 Purpose

Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist and that the public interest shall suffer no substantial detrimental effect as a result of granting the variance. The purpose of a Variance Permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program. A variance may also be appropriate where there are extraordinary circumstances relating to the physical property or configuration of property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant, including but not limited to denying all reasonable use of a property. When located within shorelines jurisdiction, reasonable use exceptions pursuant to 19.05.050(D) shall be processed as a shoreline variance.

10.7.2 Minor Shoreline Variances (Type II)

Description

Minor variances are those variances which request an expansion of an existing building which would extend no more than 10 percent beyond the setback, height, bulk and/or dimensional requirements established in this master program and would not expand the footprint of an over-water structure. Use variances are prohibited

Process

Minor shoreline Variance Permits will be processed as a Type II administrative permit application with public notice and comment pursuant to PTMC Chapter 20.01. The decision maker shall be the Shoreline Administrator and administrative appeals will be heard by the Port Townsend Hearing Examiner.

10.7.3 Shoreline Variances (Type III)

Description

Variances are requests to adjust the applicable setback and/or bulk and dimensional requirements established by this Shoreline Master Program that exceed 10%. Use variances are prohibited.

Process

Shoreline Variance Permits will be processed as a Type III permit applications subject to public notice, comment, and a public hearing pursuant to PTMC Chapter 20.01. The decision maker shall be the Hearing Examiner and administrative appeals will be heard by the City Council. All variance requests that exceed the criteria for “minor variances” shall be processed as a Type III variance.

Application

Development proposals that request a modification of applicable setbacks, bulk, height, or dimensional standards shall be processed as Minor or full Variances. Minor and full Variance Permit applications shall be processed according to the procedures of Port Townsend Municipal Code (PTMC) 20.01 Land and Shoreline Development Administrative Procedures. See table 10.8-1

below for summary of permits and procedures. Pursuant to the procedures contained in PTMC 20.01, shoreline development approvals shall be classified as follows:

a. An application for a shoreline Variance shall be submitted on a form provided by the Administrator and accompanying material as required by Chapter 20.01 PTMC;

b. An applicant for a Substantial Development Permit who wishes to request a Variance shall submit the Variance application and the Permit simultaneously.

10.7.4 Variance Approval Criteria

The following criteria shall be used in evaluating variance applications:

1. Criteria for Granting Upland Variances. Variance Permits for development that will be located landward of the ordinary high water mark, except those areas designated by the Department of Ecology as marshes, bogs, or swamps (wetlands) pursuant to WAC 173-22, may be authorized provided the applicant can demonstrate all of the following:

a. That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Master Program;

b. That the hardship described in subsection (a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions;

c. That 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;

d. That the Variance requested will not constitute a grant of special privilege not enjoyed by the other properties in the area;

e. That the variance requested is the minimum necessary to afford relief; and

f. That the public interest will suffer no substantial detrimental effect.

2. Criteria for Granting Variances Waterward of Ordinary High Water. Variance Permits for development that will be located either waterward of the ordinary high water mark (OHWM) or within marshes, bogs, or swamps as designated in WAC 173-22, may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:

a. That the public rights of navigation and use of the shorelines will not be adversely affected by granting the Variance;

b. That the strict application of the bulk, dimensional or performance standards set forth in the Shoreline Master Program precludes all reasonable use of the property;

c. That the proposal is consistent with the criteria established under subsection 1.b. through 1.f. of this section; and

d. That the decision maker has given consideration of the cumulative impact of additional requests for like actions in the area. For example, if Variances were granted to other developments in the area where similar circumstances exist, the total impacts from the Variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

3. Variances from the use regulations of the Master Program are prohibited. However, a request for an unclassified use may be authorized as a Conditional Use (See Section 10.6 Conditional Use Permits).

10.7.5 Filing Variance Permits with the Department of Ecology - Review of Variance Permits

After the decision maker has made a final decision on a Variance Permit application, the Administrator shall file the Permit with the Department of Ecology for its approval, approval with conditions, or denial. A permit data sheet in the form provided by WAC 173-27-990 (Appendix H) shall be submitted to the Department of Ecology with each Variance Permit.

The Department of Ecology will issue its decision on a Variance Permit within thirty (30) days of filing. Filing is not complete until all the required documents have been received by the Department of Ecology and the Attorney General.

Upon receipt of the Department of Ecology's decision, the Administrator shall notify those interested persons who requested notification of such decision.

Development authorized by a Variance Permit shall not begin until twenty-one (21) days from the date of filing (the date the Department of Ecology renders a decision on the Variance Permit and transmits that decision to the Administrator). The Department of Ecology shall notify the Administrator of the date of filing on an individual Variance Permit. In the event of an appeal refer to the provisions of RCW 90.58.140 for when construction work may begin.

10.8-1 Table of Permits and Procedures

Table 10.8-1 below classifies shoreline development permits by procedure type, decision maker, and type of public notice.

Table 10.8-1

Permit Application	Type	Decision maker	Public Notice	Notes
Shoreline Exemptions	Type I-A	Shoreline Administrator	N/A	List of Shoreline exemptions contained in Chapter 2., section 2.4.
Minor Shoreline Substantial	Type II	Shoreline Administrator	a. Mailed notice to property	See Section 10.4 for definition and

Development Permits			owners w/in 300 ft. b. Notice posted on-site c. Published Notice	approval criteria.
Shoreline Substantial Development Permits	Type III	Hearing Examiner	a. Mailed to property owners w/in 300 ft. b. Posted on-site c. Published notice	See Section 10.5 for definition and approval criteria.
Minor Conditional Use Permits	Type II	Shoreline Administrator Ecology	a. Mailed notice to property owners w/in 300 ft. b. Notice posted on-site c. Published Notice	See Section 10.6.3 for definition and approval criteria. After local government approval, the permit is submitted to the Department of Ecology for the department's approval, approval with conditions, or denial WAC 173-27-110
Conditional Use Permits	Type III	Hearing Examiner Ecology	a. Mailed to property owners w/in 300 ft. b. Posted on-site c. Published notice	See Section 10.6.4 for definition and approval criteria. After local government approval, the permit is submitted to the Department

				of Ecology for the department's approval, approval with conditions, or denial WAC 173-27-110
Minor Variances	Type II	Shoreline Administrator Ecology	a. Mailed notice to property owners w/in 300 ft. b. Notice posted on-site c. Published Notice	See Section 10.7.2 for definition and approval criteria. After local government approval, the permit is submitted to the Department of Ecology for the department's approval, approval with conditions, or denial WAC 173-27-110.
Variances	Type III	Hearing Examiner Ecology	a. Mailed to property owners w/in 300 ft. b. Posted on-site c. Published notice	See Section 10.7.3 for definition and approval criteria. After local government approval, the permit is submitted to the Department of Ecology for the department's approval, approval with conditions, or

				denial WAC 173-27-110.

Summary of Decision Making:

Type IA – Administrative without notice, Administrative appeal by the applicant only; appealable to the hearing examiner.

Type II – Administrative with notice, appealable by any aggrieved party to the hearing examiner.

Type III – Hearing Examiner Review. Notice and open record public hearing before the hearing examiner. Hearing examiner makes the final decision subject to a right of appeal held before the city council.

10.9 Permit Application – Forms and Contents
10.9.1 Forms

The Shoreline Administrator shall provide the necessary application forms for Permit Exemptions, Substantial Development Permits, Shoreline Conditional Use Permits, Shoreline Variance Permits, JARPA (Joint Aquatic Resource Protection Application), and Master Land Use Application.

10.9.2 Contents

A complete application for a Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit shall, at a minimum, contain the following information, as required under §173-27-180 WAC:

a. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

b. The name, address and phone number of the applicant's representative if other than the applicant.

c. The name, address and phone number of the property owner, if other than the applicant.

d. Location of the property. This shall, at a minimum, include the property address and parcel number. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

e. Identification of the name of the shoreline (water body) that the site of the proposal is associated with.

f. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

g. A general description of the property as it now exists including its physical characteristics and improvements and structures.

h. A general description of the vicinity of the proposed project including identification of the

adjacent uses, structures and improvements, intensity of development and physical characteristics.

i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

i. The boundary of the parcel(s) of land upon which the development is proposed;

ii. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location except that, when a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;

iii. Existing and proposed land contours. The contours of areas proposed to be modified shall be at intervals of not less than 2 feet. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;

iv. A delineation of all wetland areas that will be altered or used as a part of the development, if applicable;

v. A general indication of the character of vegetation found on the site;

vi. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;

vii. Where applicable, a landscaping plan for the project;

viii. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section;

ix. Quantity, source and composition of any fill material that is placed on the site, whether temporary or permanent;

x. Quantity, composition and destination of any excavated or dredged material;

xi. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties;

xii. Where applicable, a depiction of the impacts on views from existing residential uses and public areas;

xiii. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses;

xiv. Any other supplemental information, studies or reports deemed necessary by the Shoreline Administrator;

xv. Additional information as specified by PTMC 20.01.100 Development permit application; and

xvi. Information necessary to address applicable approval criteria for Conditional Use Permits and variances established in this Chapter.

10.9.3 Complete Application

Complete application and documents for all Shoreline Permits shall be submitted to the Administrator for processing and review. The application will be reviewed for completeness and a determination of completeness made in accordance with Chapter 20.01 PTMC.

10.10 Public Notice

Public Notice will be provided consistent with PTMC Chapter 20.01; including section 20.01.170 Shoreline Master Program (SMP) Permits.

10.11 Multiple Permits

Requests for multiple shoreline permits required for a single project shall be processed simultaneously.

10.12 SEPA review.

Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this Master Program and PTMC Chapter 20.01. The SEPA review processes, including all public comment procedures is set forth in Chapter 19.04 PTMC.

10.13 Decision Maker Approval Criteria

10.13.1 Decision Maker Review Criteria

The decision maker shall review the application and related information and make a decision to approve, approve with condition, or deny the application for a Substantial Development Permit, Conditional Use, or Variance. No Permit shall be granted unless the proposed development is consistent with the provisions of this Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology thereunder.

10.13.2 Burden of Proof on Applicant.

The applicant must prove that the proposed substantial development is consistent with the criteria before a Permit is granted.

10.13.3 Conditional Approval

Should the decision maker find that any application does not substantially comply with criteria imposed by the Master Program and the Shoreline Management Act of 1971, such application may be denied or made subject to any terms or conditions that are deemed suitable and reasonable to affect the purpose and objective of this Master Program.

10.13.4 Bonds

The decision maker may require the applicant to post a bond in favor of the City of Port Townsend to assure full compliance with any terms and conditions imposed by the decision maker on any Substantial Development Permit, Variance, or Conditional Use Permit. Said bond sha11 be in an amount to reasonably assure the City that any deferred improvement wi11 be carried out within the time stipulated.

10.13.5 Final Decisions

Within five (5) days of the decision, the Administrator shall mail or hand deliver a copy of the final decision to the following:

a. The applicant;

b. The Department of Ecology;

c. Any persons who have filed a written request for a copy of the decision; and

d. All persons who submitted substantive written comments on the application.

The notice of final decision shall include findings and conclusions, and a statement of the SEPA threshold determination and the procedures for an appeal (if any) of the permit decision or recommendation. For filing with the Department of Ecology, please reference WAC 173-27-130 for complete submittal requirements. If the City is unable to issue its final decision within the applicable time limits, the Administrator shall provide Notice of Delayed Decision per Chapter 20.01.280 PTMC.

10.14 Administrative Authority and Responsibility
10.14.1 Shoreline Administrator.

The Shoreline Administrator is vested with the following authority and responsibility:

a. Overall administrative responsibility for this Master Program;

b. Authority to grant written Permit Exemptions from shoreline Substantial Development Permit requirements of this Master Program;

c. Authority to issue written Minor (administrative) shoreline Substantial Development Permits, Minor Conditional Use Permits, and Minor Variances subject to the procedures of this chapter;

d. Authority to recommend to the Hearing Examiner approval, approval with conditions, or denial of applications for shoreline Substantial Development Permits and Permit Revisions in accordance with the policies and regulations of this Master Program and the

provisions of Chapter 20.01 PTMC;

e. Advising interested citizens and project proponents of the goals, policies, regulations and procedures of this Master Program; and

f. Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act (the "Act").

10.14.2 Hearing Examiner

The Hearing Examiner is vested with the following authority:

a. Authority to approve, approve with conditions, or deny (type III) Shoreline Substantial Development Permits, Variance Permits, and Conditional Use Permits after considering the findings and recommendations of the Shoreline Administrator at an open record public hearing; PROVIDED that any decisions made by the Hearing Examiner may be further appealed to Port Townsend City Council for an administrative closed record public hearing;

b. Authority to decide local administrative appeals of the Shoreline Administrator's issuance of shoreline exemptions; administrative shoreline Substantial Development Permits, conditional uses, and variances, and administrative interpretations, as provided in this Chapter and Chapter 20.01 of the Port Townsend Municipal Code; and

c. In preparing determinations, the Hearing Examiner shall base all decisions on shoreline permits or administrative appeals on the criteria established in this Master Program;

10.14.3 City Council

a. The Port Townsend City Council is vested with the authority to approve any revisions or amendments to this Master Program in accordance with the applicable requirements of the Act and the Washington Administrative Code. (Ord. 3062 § 2, 2011).

b. Amendments to the Shoreline Master Program shall be consistent. with the procedures for Type V legislative amendments per PTMC 20.01. To become effective any amendment to this Master Program must be reviewed and adopted by the Department of Ecology pursuant to § 90.58.190 RCW and Chapter 173-26 WAC.

10.15 Appeals

10.15.1 Appeals of a final decision of the city of Port Townsend or the Department of Ecology shall be filed within 21 days of the date of filing of the final permit and shall be heard by the Shorelines Hearings Board pursuant to the procedures and timelines of RCW 90.58.180. (Ord. 3062 § 2, 2011).

10.16 Application Fees

10.16.1 A filing fee in an amount established in Chapter 20.09 PTMC shall be paid to the City of Port Townsend at the time of application.

10.16.2 Fees for permits obtained after development activities have begun shall be as specified by Section 12.6, of Chapter 12 - Enforcement and Penalties.

10.17 Duration of Permits

The City of Port Townsend may issue shoreline permits with termination dates of up to five years. If a shoreline permit does not specify a termination date, the following requirements apply, consistent with WAC 173-27, however, upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, the decision maker may adopt different time limits from those set forth in subsections (10.17.1) and (10.17.3) of this section as a part of action on a substantial development permit. (Ord. 3062 § 1, 2011).

10.17.1 Time Limit for Substantial Progress

Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of the shoreline permit. Pursuant to WAC 173-27-090(4) the permit time periods 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. (Ord. 3062 § 1, 2011).

10.17.2 Permit Extension

The City may, at its discretion, with prior notice to parties of record and the Department of Ecology, 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. (Ord. 3062 § 1, 2011).

10.17.3 Five-Year Permit Authorization

If construction has not been completed within five (5) years of approval by the City of Port Townsend, the City will review the Permit and, upon showing of good cause, either extend the Permit for one additional year, or terminate the Permit. Prior to the City authorizing any Permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one single extension is permitted. Pursuant to WAC 173-27-090(4) the permit time periods do not-include the time during which a use or activity was not actually pursued due to pendency of administrative appeals or legal action or due to the need to obtain any other government permits and approvals. (Ord. 3062 § 1, 2011).

10.18 Permit Revisions

10.18.1 When an applicant proposes substantive changes to the design, terms, or conditions of an approved permit, the applicant must submit a request for permit revision. 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, this Master Program, or the Act. Changes, which the Administrator determines are not substantive, do not require approval of a revision.

10.18.2 When a permit revision is required, the applicant shall submit detailed plans and text describing the proposed changes. If the Administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-27, the Administrator may approve the revision. "Within the scope and intent of the original Permit" means all of the following:

a. No additional over-water construction is involved, except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%), whichever is less;

b. Ground area coverage and height is not increased more than ten percent (10%);

c. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City of Port Townsend Shoreline Master Program. Exceeding these standards requires approval of a variance;

d. Additional or revised landscaping is consistent with any conditions attached to the original permit and this Master Program;

e. The use authorized by original permit is not changed; and

f. No net loss of shoreline ecological functions will still be achieved with the project revision.

g. If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new Shoreline Permit must be submitted. If the revision involves a Conditional Use or Variance, which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology (see WAC 173-27).

10.18.3 Notice of revisions and decisions. Parties of record shall be provided notice of any proposed revision as well as the final decision on any revision application.

10.18.4 Appeals. The City of Port Townsend or the Department of Ecology decision on permit revisions may be appealed within twenty-one (21) days of such decision, in accordance with RCW 90.58.180.

10.18.5 Revised permits are effective immediately upon final decision of the Administrator and/or the Department of Ecology. Construction allowed by the revised Permit, that is not authorized under the original Permit, is undertaken at the applicant’s own risk until the expiration of the appeals deadline.

Chapter 11
Nonconforming Development (Nonconforming Uses, Structures and Lots)

SECTIONS:

11.1 Nonconforming Development

11.2 Nonconforming Uses

11.3 Nonconforming Structures

11.4 Nonconforming Lots

11.1 Nonconforming Development

Nonconforming development includes shoreline uses and structures which were lawfully constructed, established, or created prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the standards of this Chapter shall apply.

11.2 Nonconforming Uses

11.2.1 Nonconforming uses includes shoreline uses which were lawfully established prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the act. The continuance of a nonconforming use is subject to the following standards:

a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status. provided, that the use does not change or intensify;

b. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to this Master Program and the Act;

c. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed;

d. A nonconforming use which is moved any distance must be brought into conformance with the Master Program and the Act; and

e. If a nonconforming use is discontinued for a period of 365 or more consecutive calendar days, it shall lose its nonconforming status, and the continued use of the property shall be required to conform to the provisions of this Master Program and the Act.

11.2.2 A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

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11.2 Nonconforming Uses

11.2.1 Nonconforming uses includes shoreline uses which were lawfully established prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the act. The continuance of a nonconforming use is subject to the following standards:

a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status. provided, that the use does not change or intensify;

b. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to this Master Program and the Act;

c. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed;

d. A nonconforming use which is moved any distance must be brought into conformance with the Master Program and the Act; and

e. If a nonconforming use is discontinued for a period of 365 or more consecutive calendar days, it shall lose its nonconforming status, and the continued use of the property shall be required to conform to the provisions of this Master Program and the Act.

11.2.2 A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

11.3 Nonconforming Structures

Nonconforming structures includes shoreline structures which were lawfully constructed or placed

prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, or density requirements.

Nonconforming structures may continue even though the structures fail to conform to the present requirements of the environmental district in which they are located. A nonconforming structure may be maintained as follows:

11.3.1 A nonconforming structure that is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this title. However, any residential structures, including multifamily structures, in a residential zoning district destroyed by a catastrophe, including fire, may be reconstructed up to the size, placement and density that existed prior to the catastrophe. Structural repair shall be complete within two years after the catastrophe unless the Shoreline Administrator grants an extension for just cause.

11.3.2 Necessary repairs and alterations that do not increase the degree of non- conformity may be made to nonconforming residential structures, including multifamily structures, located in residential zoning districts.

11.3.3 A nonconforming building or structure may be repaired and maintained as provided in and as limited by this section. The maintenance of such building or structure shall include only necessary repairs and incidental alterations, which alterations, however, shall not extend the nonconformity of such building or structure; provided, that necessary alterations may be made as required by other law or ordinance.

11.3.4 Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming commercial, mixed use, and marine-related or manufacturing structures; provided, that the cost of the desired improvement or repair does not exceed one-half of the replacement cost of the nonconforming structure over any consecutive five-year period.

11.3.5 The Shoreline Administrator shall determine the replacement cost of a structure.

11.3.6 A building or structure, nonconforming as to the bulk, dimensional and density requirements of this title, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this title.

11.3.7 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.

11.4 Nonconforming Lots

Undeveloped lots, tracts, parcels, or sites located landward of the ordinary high water mark that were established prior to the effective date of the Act and the Master Program, but that do not conform to the present lot size or density standards are considered nonconforming lots of record and are legally buildable subject to the following conditions:

11.4.1 Consolidation Clause Where two or more contiguous lots of record are under one ownership and one or more of the lots is nonconforming, they are considered to be consolidated and may not be sold or otherwise separated so as to create any resulting nonconforming lots.

11.4.2 Exemptions The following shall be exempt from the nonconforming lot consolidation requirements set forth in section 11.4.1:

a. Any transfer, sale or conveyance of a nonconforming lot or lots for the purpose of acquisition of property to preserve environmentally sensitive areas;

b. Any transfer, sale or conveyance of a nonconforming lot or lots to the City of Port Townsend;

c. Any transaction for the sale or conveyance of a nonconforming lot or lots where the parties executed a real estate purchase and sale agreement, real estate contract or other legally valid transaction document on or before April 11, 1997;

d. Any transfer, sale or conveyance of a fully developed nonconforming lot that is contiguous with another fully developed lot under the same ownership, conforming or nonconforming; provided, that both lots were fully developed prior to April 11, 1997; and provided further, that before any such transfer, sale or conveyance, the improvements serving both lots must be found to be consistent with the City's engineering design standards, as those standards may be amended; and

e. Any transfer, sale or conveyance of a nonconforming lot that is contiguous with another lot under the same ownership, conforming or nonconforming, that was ever held as a separate lot in separate ownership prior to April 11, 1997; provided, that before any such transfer, sale or conveyance, the improvements serving both lots must be found to be consistent with the City's engineering design standards, as those standards may be amended.

11.4.3 All new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Master Program, the Act, and must also comply with all applicable engineering design standards.

11.4.4 A lot line adjustment or restrictive covenant approved by the City shall be required prior to issuance of a building permit when a nonconforming lot or lots and a conforming lot are contiguous and owned by the same person(s)/entity.

11.4.5 Notwithstanding this section, for any lots created by platting prior to 1937 (the effective date of the State Subdivision Act, RCW 58.17), the City may require compliance with RCW 58.17 and Title 18 Land Divisions prior to issuing building permits for the development of lots in common ownership. The applicant shall comply with the requirements of Chapter 18.18 PTMC, Subdivision and Recognition of Lots of Record.

11.3 Nonconforming Structures

Nonconforming structures includes shoreline structures which were lawfully constructed or placed prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, or density requirements.

Nonconforming structures may continue even though the structures fail to conform to the present requirements of the environmental district in which they are located. A nonconforming structure may be maintained as follows:

11.3.1 A nonconforming structure that is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this title. However, any residential structures, including multifamily structures, in a residential zoning district destroyed by a catastrophe, including fire, may be reconstructed up to the size, placement and density that existed prior to the catastrophe. Structural repair shall be complete within two years after the catastrophe unless the Shoreline Administrator grants an extension for just cause.

11.3.2 Necessary repairs and alterations that do not increase the degree of non- conformity may be made to nonconforming residential structures, including multifamily structures, located in residential zoning districts.

11.3.3 A nonconforming building or structure may be repaired and maintained as provided in and as limited by this section. The maintenance of such building or structure shall include only necessary repairs and incidental alterations, which alterations, however, shall not extend the nonconformity of such building or structure; provided, that necessary alterations may be made as required by other law or ordinance.

11.3.4 Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming commercial, mixed use, and marine-related or manufacturing structures; provided, that the cost of the desired improvement or repair does not exceed one-half of the replacement cost of the nonconforming structure over any consecutive five-year period.

11.3.5 The Shoreline Administrator shall determine the replacement cost of a structure.

11.3.6 A building or structure, nonconforming as to the bulk, dimensional and density requirements of this title, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this title.

11.3.7 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.

11.4 Nonconforming Lots

Undeveloped lots, tracts, parcels, or sites located landward of the ordinary high water mark that were established prior to the effective date of the Act and the Master Program, but that do not conform to the present lot size or density standards are considered nonconforming lots of record and are legally buildable subject to the following conditions:

11.4.1 Consolidation Clause Where two or more contiguous lots of record are under one ownership and one or more of the lots is nonconforming, they are considered to be consolidated and may not be sold or otherwise separated so as to create any resulting nonconforming lots.

11.4.2 Exemptions The following shall be exempt from the nonconforming lot consolidation requirements set forth in section 11.4.1:

a. Any transfer, sale or conveyance of a nonconforming lot or lots for the purpose of acquisition of property to preserve environmentally sensitive areas;

b. Any transfer, sale or conveyance of a nonconforming lot or lots to the City of Port Townsend;

c. Any transaction for the sale or conveyance of a nonconforming lot or lots where the parties executed a real estate purchase and sale agreement, real estate contract or other legally valid transaction document on or before April 11, 1997;

d. Any transfer, sale or conveyance of a fully developed nonconforming lot that is contiguous with another fully developed lot under the same ownership, conforming or nonconforming; provided, that both lots were fully developed prior to April 11, 1997; and provided further, that before any such transfer, sale or conveyance, the improvements serving both lots must be found to be consistent with the City's engineering design standards, as those standards may be amended; and

e. Any transfer, sale or conveyance of a nonconforming lot that is contiguous with another lot under the same ownership, conforming or nonconforming, that was ever held as a separate lot in separate ownership prior to April 11, 1997; provided, that before any such transfer, sale or conveyance, the improvements serving both lots must be found to be consistent with the City's engineering design standards, as those standards may be amended.

11.4.3 All new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Master Program, the Act, and must also comply with all applicable engineering design standards.

11.4.4 A lot line adjustment or restrictive covenant approved by the City shall be required prior to issuance of a building permit when a nonconforming lot or lots and a conforming lot are contiguous and owned by the same person(s)/entity.

11.4.5 Notwithstanding this section, for any lots created by platting prior to 1937 (the effective date of the State Subdivision Act, RCW 58.17), the City may require compliance with RCW 58.17 and Title 18 Land Divisions prior to issuing building permits for the development of lots in common ownership. The applicant shall comply with the requirements of Chapter 18.18 PTMC, Subdivision and Recognition of Lots of Record.

Chapter 12
Enforcement and Penalties

SECTIONS:

12.1 Enforcement

12.2 Penalties

12.3 Violations – Subsequent Development and Building Permits.

12.4 Public and Private Redress

12.5 Delinquent Permit Penalty

12.6 Permit fee

12.1 Enforcement

12.1.1 The provisions of Chapter 20.10 PTMC Land Use Administration and Enforcement shall apply to this chapter in addition to the enforcement provisions of RCW 58.17 and WAC 173-27-240 through 173-27-310.

12.1.2 The Shoreline Administrator and/or a designated representative shall enforce all provisions of the Master Program. The Shoreline Management Act calls for a cooperative enforcement program between local and state government. It provides for both civil and criminal penalties, orders to cease and desist, orders to take corrective action and permit rescission. The choice of enforcement action and the severity of any penalty should 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.

12.2 Penalties

Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of PTMC 20.10.070 (Civil penalties - Schedules) and 20.10.060 (Criminal penalty).

12.3 Violations – Subsequent Development and Building Permits

No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program. All purchasers or transferees of property shall comply with provisions of the Act and this Master Program and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or this Master Program including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this Master Program as well as costs of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor, as an alternative to conforming their

property to these requirements, may rescind the sale, transfer, or lease and recover costs of investigation, litigation and reasonable attorney's fees occasioned thereby from the violator.

12.4 Public and Private Redress

12.4.1 Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or the provisions of a Permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.

12.4.2 The City attorney may bring suit for damages under this section on behalf of the City. Nothing in this section precludes private persons from bringing suit for damages on their own behalf. If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

12.5 Fees for Permits Obtained After Development

12.5.1 Triple fees for permits obtained after development. Permits obtained following, rather than prior to, the establishment of a development or use shall be three (3) times the normal amount. This provision is in addition to the enforcement measures contained in this chapter and in PTMC Chapter 20.10.

12.5.2 Delinquent Permit penalties shall be paid in full prior to resuming the use or activity.

Chapter 13
Master Program – Review, Amendments and Adoption

SECTIONS:

13.1 Master Program Review

13.2 Amendments to Master Program

13.3 Severability

13.4 Effective Date

13.1 Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

13.2 Amendments to Master Program

13.2.1 Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

13.2.2 Proposals for shoreline environment redesignation (i.e., amendments to the shoreline maps and descriptions), must demonstrate consistency with the criteria set forth in WAC 173-22-040.

13.3 Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

13.4 Effective Date

This Master Program shall take effect on February 14, 2007 and shall apply to new applications submitted on or after that date and to incomplete applications submitted prior to that date.

Chapter 14
Shoreline Restoration

SECTIONS:

14.1 Restoration Introduction

14.2 Restoration Planning Requirements

14.3 What is Restoration?

14.4 Restoration Approach

14.5 Restoration Vision Statement

14.6 Restoration Goals, Priorities and Objectives

14.7 Restoration Opportunities

14.8 Existing and Ongoing Programs

14.9 Strategies

14.10 Project Evaluation

14.11 Monitoring and Adaptive Management

14.12 Uncertainty

14.13 Potential Funding Sources

14.14 Restoration Glossary

14.15 Resource Links and References

14.1 Restoration Introduction

This restoration plan has been prepared in accordance with the Washington State Department of Ecology shoreline management guidelines. The guidelines direct local government review and updates of shoreline master programs. A significant feature of the guidelines is the requirement that local governments include within their shoreline master program, a “real and meaningful” strategy to address restoration of shorelines. WAC 173-26-186(8). The state guidelines emphasize that any development must achieve no net loss of ecological functions. The guidelines go on to require a goal of using restoration to improve the overall condition of habitat and resources and makes "planning for and fostering restoration" an obligation of local government. From WAC 173-26-201(2)(c):

Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201(2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201(3)(d)(i). It is intended that local government, through the master program, along with other regulatory and non-regulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities

through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county. [emphasis added]

WAC 173-26-2012(f) states further that "...master programs provisions should be designed to achieve overall improvements in shoreline ecological functions over time when compared to the status upon adoption of the master program." For guidance on preparation of a Restoration Plan, the city looked to WAC 173-26-186, WAC 173-26-201(2)(c) and (f) and Restoration Planning and the 2003 Shoreline Management Guidelines, A Department of Ecology Report, as well as Systematic Approach to Coastal Ecosystem Restoration, developed by NOAA (Diefenderfer 2003) in addition to other resources listed at the end of this chapter. Restoration planning should be focused on tools such as economic incentives, broad funding sources such as Salmon Restoration Funding, volunteer programs, and other strategies. WAC 173-26-186(8)(c) and WAC 173-26-201(2)(f) (explaining the "basic concept" of restoration planning). Furthermore, because restoration planning must reflect the individual conditions of a shoreline, restoration planning provisions contained in the guidelines expressly note that a restoration plan will vary based on:

- Size of jurisdiction
- Extent and condition of shorelines
- Availability of grants, volunteer programs, other tools
- The nature of the ecological functions to be addressed

14.2 Restoration Planning Requirements

The Department of Ecology's shoreline management guidelines WAC 173-26-201(2)(f) state that master program restoration plans shall consider and address the following subjects:

(i) Identify degraded areas, impaired ecological functions, and sites with potential for restoration;

(ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;

(iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;

(iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;

(v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals; and

(vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

These requirements are intended to provide the framework to restore impacted, altered or missing ecological functions resulting from past development of the shoreline. The restoration planning is not intended to directly mitigate past or future development impacts on the City's shorelines. Restoration is intended to improve the overall environmental conditions unrelated to upcoming projects developing in the shoreline environment. Nonetheless, restoration projects may leverage opportunities that result from development and restoration planning needs be aware of projects and programs so as to not duplicate efforts or potentially waste valuable resources.

14.3 What is Restoration?

The term restoration has a number of definitions, all of which share similar ideas. They often refer to the return of an area to a previous condition by improving the biological structure and function (Diefenderfer 2003). Examples of definitions of restoration put forth by various authors and agencies include bringing back a former, normal, or unimpaired state; a return to a previously existing natural condition; reestablishing vegetation; and returning a damaged ecosystem to its pre-disturbed state. The DOE shoreline master program guidelines state that:

"Restore," "Restoration," or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

The Society of Wetland Scientists (2000) defines wetland restoration, which is similar to shoreline restoration, as actions taken in a converted or degraded natural wetland that result in the reestablishment of ecological processes, functions, and biotic/abiotic linkages and lead to a persistent, resilient system integrated within its landscape. In an effort to be clear and consistent in the discussion of restoration, five key elements of the concept of restoration are adapted from the Society:

1. Restoration is the reinstatement of driving ecological processes.

2. Restoration should be integrated with the surrounding landscape.

3. The goal of restoration is a persistent, resilient system.

4. Restoration should generally result in the historic type of environment but may not always result in the historic biological community and structure.

5. Restoration planning should include the development of structural and functional objectives and performance standards for measuring achievement of the objectives.

In this SMP, restoration is used broadly to include conservation and enhancement actions. Conservation is different from restoration as described above in that it protects areas relatively free of degradation. Enhancement, which improves shoreline functions, but may not result in restoration of underlying process, may be more viable than restoration in some instances.

14.4 Restoration Approach

A systematic approach to restoration planning, implementation, and monitoring increases the accessibility of the plan and increases the long-term usability of the restoration framework. The five components of a systematic approach to a restoration project are planning, implementation, performance assessment, adaptive management, and dissemination of results. (Diefenderfer 2003).

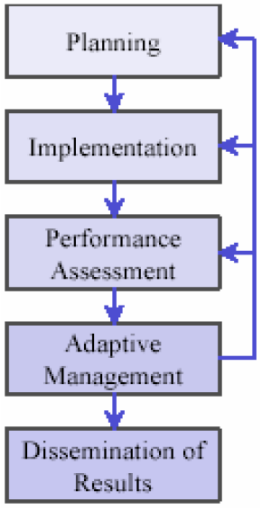


Figure 1, above - Five Components of a Coastal Restoration Project. (Diefenderfer 2003).

NOAA's Systematic Approach to Coastal Ecosystem Restoration is a usable guidance tool for each of these five components and states: "The planning process starts with a vision, a description of the ecosystem and landscape, and goals. A conceptual model and planning objectives are developed, a site is selected, and numerical models contribute to preliminary designs as needed. Performance criteria and reference sites are selected and the monitoring program is designed. Cost analysis involves budgeting, scheduling, and financing. Finally, documentation is peer reviewed prior to making construction plans and final costing." (Diefenderfer 2003)

This restoration plan should be considered within this overall framework. The restoration chapter is designed to meet the requirements for restoration planning outlined in the DOE guidelines, in which restoration planning is an integrated component of shoreline master programs that include inventorying shoreline conditions and regulation of shoreline development. The restoration plan builds on the Port Townsend Shoreline Inventory and the Characterization Report (GeoEngineers 2004) which provide a comprehensive inventory and analysis of shoreline conditions in Port Townsend, including rating specific functions and process of each shoreline segment. Tables 1 through 5 in the Characterization Report summarize the baseline condition of ecological processes and functions.

This restoration plan provides a vision for ecological restoration, includes goals, objectives and opportunities. It also establishes city strategies for implementation, including recognition of existing and ongoing programs, and it provides a framework for long-term monitoring of shoreline restoration and shoreline conditions. While this restoration plan includes broad objectives, specific implementation measures, budgets, schedules, and individual monitoring programs will be needed

for individual restoration projects as they occur.

To ensure that restoration goals are being achieved, it is important for the city to evaluate the performance effectiveness of this plan and to adapt to changing conditions. At a minimum, this restoration plan (as well as the entire Shoreline Master Program) will be reevaluated according to the schedule adopted by the state Legislature (the next update for Port Townsend would be in 2018 under the current schedule). It is recommended that the city conduct reevaluation of the success of the SMP and its restoration goals consistent with the Comprehensive Plan update schedule. At times of reevaluation, the inventory conditions and restoration metrics should be considered in comparison to the 2002-2005 conditions reviewed for this SMP. Updates to inventory information and the results of reevaluation processes should be disseminated to other restoration planning agencies to facilitate regional monitoring of environmental conditions.

Adaptive management is the process of continually improving management policies and practices to respond to results. Shoreline planning is iterative. As data is gathered and compared to past years' data, one will be able to come to a clearer understanding of environmental processes and stressors. As understanding increases, the city will have the opportunity to adjust policies, regulations and restoration priorities to adapt to changes in conditions and information. At a minimum, the city will be required to take corrective actions if the mandate of no net loss of shoreline ecological resources is not being met.

The Point No Point Treaty Council (PNPTC) has been actively working on a shoreline analysis of historical changes and their root causes of Hood Canal and the Strait, including the habitat complexes within the Port Townsend jurisdiction. Though the document is not complete, it will be in the near future and may add a new layer of analysis and recommendations for shoreline restoration. Future restoration projects and planning should consider the context provided by the PNPTC effort and other environmental studies that might be completed in the future.

14.5 Restoration Vision Statement

The vision statement establishes the overarching idea of the future restored ecosystem and provides a basis for the framework, including the restoration goals and objectives. The Characterization Report identifies impaired ecological processes and functions. Tables 1 through 5 of the Characterization Report summarize nineteen processes and functions for five shoreline segments (i.e., 19x5=95 rankings). Of the 95 opportunities, only six were found to be properly functioning in GeoEngineers' assessment. The remaining were "not properly functioning" or "at risk." The implications are clear: with the vast majority of processes and functions on Port Townsend shorelines impaired based on the analysis, policies that "promote restoration" of these ecological functions must be included in the master program. This vision statement seeks to make clear the intent of addressing ecological restoration.

Restoration Vision: Degraded ecological processes and habitats of the Port Townsend shoreline are restored so that, when combined with protection of existing resources, a **net improvement to the shoreline ecosystem is obtained** to benefit native fish and wildlife and the people of Port Townsend. Restoration occurs over time through a combination of public and private ventures and leverages opportunities presented by shoreline development in a way that enhances the environment and is compatible with planned shoreline uses.

14.6 Restoration Goals, Priorities and Objectives

The goals and objectives included here are developed for the Port Townsend shoreline and are consistent with the basin wide general recommendations related to nearshore habitats in the Watershed Management Plan for the Quilcene-Snow Water Resource Inventory Area 17 (October 28, 2003), which includes Port Townsend. Overarching goals for restoring the Port Townsend shoreline are to: improve water quality, restore degraded and lost habitat and corridors, and improve connectivity of the shoreline environments in terms of both space and time.

These goals identify the direction of needed improvement. Objectives identify specific actions, ideally measurable, that can be taken to achieve the stated goals. For example, to meet the goal of improving water quality, an objective would be to remove creosote pilings. By translating the restoration goals into objectives, the objectives for Port Townsend restoration are:

a. Protect naturally eroding bluffs

b. Protect and restore native vegetation

c. Protect and restore wetlands and restore salt marsh habitat

d. Remove intertidal fill/restore beach deposits and processes

e. Manage and treat stormwater and wastewater properly

f. Remove/replace unused creosote pilings

These objectives assist with defining actions or projects to restore the natural processes and ecological functions identified in the Characterization Report as not properly functioning.

Opportunities and strategies are then identified as means of implementing the objectives. At this level, no measurable performance standards are applied to goals. For example, the overall goal is to improve water quality to meet the vision of a restored ecosystem, not to improve it by "X" amount. Individual restoration projects that may be implemented as part of this plan are expected to include specific measurable goals.

In accordance with the state guidelines, it is also valuable to establish general priorities. Controlling environmental factors (such as hydrology, sediment type, etc.) provide the foundation for habitat structures (i.e., species and their abundance), and the structure supports habitat functions (i.e., production, food support, rearing, etc.). (Thom. 2003) That is, restoration of habitat functions may be ineffective if habitat structures and controlling factors are not also restored.

While Thom states, “There is no universally accepted method for setting priorities for nearshore sites for restoration or for determining what strategies are best applied to each site. We have found that restoration of controlling factors is the key to successful and long-term restoration.” general priorities for shoreline management could follow mitigation sequencing. That is, conservation and preservation should be the highest priority, followed by avoidance, followed by restoration, then enhancement and monitoring. Overall priority should be given to protection and restoration of natural processes that are needed to support ecosystem and habitat functions.

Thorough scientific evaluation and prioritization of all restoration opportunities was not feasible for

this SMP. However, Port Townsend can work with the ecologist at the Hood Canal Coordinating Council and other regional scientists to help identify restoration of the greatest importance according to scientific criteria.

Ultimately, priorities will be opportunistic based on site access, available funding, and feasibility. In section 14.10 of this chapter, project evaluation is provided to aid in evaluating projects. Of the restoration opportunities listed, stormwater system improvements to address untreated stormwater outfalls may be the most readily feasible for the City due to public control of the system and the need to also address clean water planning requirements to meet EPA standards.

Table 14.6-1 shows the relationship of the goals, objectives, natural processes and ecological functions. The first column shows the goals, the second column shows the objectives associated with those goals and the third column shows the natural process and ecological function that will be enhanced by completing the objectives. Objectives are found under multiple goals affecting different natural processes and ecological functions. Potential metrics for monitoring each objective are listed in the right hand column. Opportunities for implementation are listed in Table 14.7-1 in the next section.

Table 14.6-1: Restoration Goals and Objectives

Restoration Goal	**Objective**	**Natural Process** *Ecological Function*	**Potential Metrics**
Improve water quality	Remove/replace unused creosote pilings; remove creosote beach logs	**Sediment Transport**	**# creosote pilings water quality measurements**
		Toxic Compound Removal Support Vegetation	
	Protect and restore wetlands and salt marsh habitat	**Hydrologic Processes** **Sediment Transport** **Nutrients**	wetland acreage wetland functions wetland ratings water quality measurements
		Water Storage Sediment Storage Toxic Compound Removal Nutrient Removal	
	Manage and treat stormwater and wastewater properly	**Hydrologic Processes** **Sediment Transport** **Nutrients**	water quality measurements storm flows

		Water Storage *Sediment Storage* *Toxic Compound Removal* *Nutrient Removal*	
	Protect and restore native vegetation	**Hydrologic Processes** **Nutrients**	% impervious surface in basin acreage of vegetation water quality measurements
		Water Storage *Sediment Storage* *Nutrient Removal* *Toxic Compound Removal*	
	Remove intertidal fill	**Sediment Transport**	acreage or number of restored/remaining impaired areas
		Water Storage *Sediment Storage* *Nutrient Removal*	
Restore degraded and lost habitat and corridors	Protect and restore native vegetation	**Sediment Transport** **Vegetation** **Nutrients** **Habitat**	acreage of vegetation degree of diversity species supported connectivity/areas of isolation extent of tree canopy
		Support Vegetation *Woody Debris Recruitment* *Organic Material Availability* *Rearing Habitat* *Resting Habitat* *Predation Avoidance Habitat* *Migration Corridors* *Food Production* *Food Delivery*	
	Protect and restore wetlands salt marsh habitat, and estuarine and lagoon functions	**Hydrologic Processes** **Sediment Transport** **Vegetation** **Nutrients** **Habitat**	wetland acreage wetland functions wetland ratings

		Support Vegetation *Organic Material Availability* *Rearing Habitat* *Resting Habitat* *Predation Avoidance Habitat* *Migration Corridors* *Food Production* *Food Delivery*	
	Protect naturally eroding bluffs, sand spits and accretion land forms	**Sediment Transport Vegetation Habitat**	acreage of vegetation in bluff areas linear feet of bulkhead
		Support Vegetation *Woody Debris Recruitment* *Organic Material Availability* *Beach Habitat* *Predation Avoidance Habitat* *Migration Corridors*	
Restore degraded and lost habitat and corridors (cont'd)	Remove intertidal fill/restore beach deposits and processes	**Sediment Transport Vegetation Nutrients Habitat**	acreage or number of restored/remaining impaired areas linear feet of bulkhead
		Support Vegetation *Woody Debris Recruitment* *Organic Material Availability* *Rearing Habitat* *Resting Habitat* *Predation Avoidance Habitat* *Migration Corridors* *Food Production* *Food Delivery*	
	Manage and treat stormwater and wastewater	**Hydrologic Processes Sediment**	water quality measurements storm flows

	properly	**Transport** **Nutrients**	
		Water Storage *Sediment Storage* *Toxic Compound Removal* *Nutrient Removal*	
Improve connectivity of the shoreline environments in terms of both space and time	Protect and restore native vegetation	**Hydrologic Processes** **Sediment Transport** **Vegetation** **Nutrients** **Habitat**	acreage of vegetation connectivity/areas of isolation extent of tree canopy linear feet of bulkhead
		Woody Debris Recruitment *Organic Material Availability* *Rearing Habitat* *Resting Habitat* *Predation Avoidance Habitat* *Migration Corridors* *Food Delivery*	
	Protect and restore wetlands, salt marsh habitat and estuarine and lagoon functions	**Hydrologic Processes** **Sediment Transport** **Vegetation** **Nutrients** **Habitat**	wetland acreage wetland functions wetland ratings connectivity/areas of isolation
		Support Vegetation *Woody Debris Recruitment* *Organic Material Availability* *Rearing Habitat* *Resting Habitat* *Predation Avoidance Habitat* *Migration Corridors* *Food Production* *Food Delivery*	

	Remove intertidal fill/ restore beach deposits and processes	**Sediment** **Transport** **Vegetation** **Nutrients** **Habitat**	acreage of restored/remaining impaired areas shoreline connectivity/areas of interruption
		Support Vegetation *Woody Debris Recruitment* *Organic Material Availability* *Rearing Habitat* *Resting Habitat* *Predation Avoidance Habitat* *Migration Corridors* *Food Production* *Food Delivery*	
	Protect naturally eroding bluffs, sand spits and accretion land forms	**Sediment** **Transport** **Vegetation** **Habitat**	acreage of vegetation in bluff areas linear feet of bulkhead
		Support Vegetation *Woody Debris Recruitment* *Organic Material Availability* *Beach Habitat* *Predation Avoidance Habitat* *Migration Corridors*	

14.7 Restoration Opportunities

Table 14.7-1 lists specific opportunities for each shoreline segment that have been identified in the Inventory, Characterization Report, and through other shoreline planning processes. These are opportunities for restoration that correspond to the state restoration goals and objectives. Opportunities listed by shoreline segment are in the left hand column. The second column lists the related restoration objective. Identified restoration activities and monitoring activities, where known, are listed in the two right hand columns.

This is an extensive list that likely exceeds near term funding opportunities, and yet, is not exhaustive. Additional restoration opportunities may continue to be identified through local and regional shoreline monitoring and planning actions. Further discussion of ongoing programs, implementation strategies, and project evaluation to determine appropriate priority and selection is provided in the sections following the table. As such, Table 14.7-1 is based on a point of time and it

is expected that actual restoration opportunities and priorities will evolve over time as restoration projects are completed and new information becomes available. The City may periodically identify additional restoration opportunities that are consistent with the objectives of this restoration chapter.

Table 14.7-1: Restoration Opportunities

Restoration Opportunity	Priority	Restoration Objective	Restoration Activity	Monitoring Activities
Southern Shoreline				
Treat stormwater entering Port Townsend Bay from developed areas	High	Manage and treat stormwater and wastewater properly	Ongoing implementation of the Stormwater Management Manual for Puget Sound Stormwater system improvements as street improvements are constructed	Water quality monitoring in bay
Investigate/Study Options for best ecosystem benefits of restoring wetlands adjacent to Larry Scott Memorial Trail with Port Townsend Bay	Medium	Protect and/or restore wetlands and salt marsh habitat	No ongoing activity identified	City and NWI GIS mapping
Remove pilings at Indian Point	Low	Remove unused creosote pilings	No ongoing activity identified	No ongoing monitoring identified
Remove or replace creosote piles whenever possible to eliminate bioaccumulation	Low-High (depending on circumstances: presence of creosote, impact on	Remove unused creosote pilings	No ongoing activity identified	No ongoing monitoring identified

of contaminates in marine ecosystem, including old ferry dock pilings	littoral drift)			
Remove riprap on either side of Union Wharf to provide pocket beaches	Low	Remove intertidal fill/restore beach deposits and processes	No ongoing activity identified	No ongoing monitoring identified
Nourishment of pocket beaches	Low	Remove intertidal fill/restore beach deposits and processes	No ongoing activity identified	No ongoing monitoring identified
Remove concrete at John Pope Marine Park	Medium	Remove intertidal fill/restore beach deposits and	No ongoing activity identified	City has GIS mapping of shoreline
		processes		armoring
Remove or reconfigure Tidal Clock (Jackson Bequest sculpture) to allow tidal movement	Low	Remove intertidal fill/restore beach deposits and processes	No ongoing activity identified	No ongoing monitoring identified
Provide fixed anchor buoys to avoid transient boat anchorage damage to eelgrass	High	Protect and/or restore nearshore habitat and corridors	Jefferson County Marine Resources Committee (MRC) pilot project	No ongoing monitoring identified
Restore eel grass beds where possible	High	Protect and/or restore nearshore habitat and corridors	NWMC eelgrass restoration project	Long-term monitoring is associated with the specific project

Fill dredged area seaward of Port Townsend Plaza to facilitate colonization of eelgrass	High	Protect and/or restore nearshore habitat and corridors	No ongoing activity identified	No ongoing monitoring identified
Remove or restore derelict and unused structures such as the old Quincy Street ferry dock and the Wave Gallery	High	Protect and/or restore nearshore habitat and corridors	No ongoing activity identified	No ongoing monitoring identified
Remove/reduce impact of artificial night-lighting effects to intertidal habitat	Low	Protect and/or restore nearshore habitat and corridors	No ongoing activity identified	No ongoing monitoring identified
Restore native marine riparian vegetation where possible	Medium to High	Protect and/or restore nearshore habitat and corridors	No ongoing activity identified	2005 aerial photograph
Remove remaining train trestle	High	Remove unused creosote pilings and improve littoral drift	No ongoing activity identified	No ongoing monitoring identified
Restore vegetation at Point Hudson and relocate RV parking area away from point	High	Protect and restore native vegetation	see Port of Port Townsend Comprehensive Scheme for planned improvements to Point Hudson	Port of Port Townsend Comprehensive Scheme and EIS provides environmental information about Point Hudson and proposed improvements

Eastern Shoreline				
Remove pilings at Fort Worden near lighthouse	Low	Remove unused creosote pilings	No ongoing activity identified	No ongoing monitoring identified
Use beach nourishment to replace eroded sediments, if possible	Low	Removal intertidal fill/restore beach deposits and processes	No ongoing activity identified	No ongoing monitoring identified
Move lighthouse and remove related pavement, structures, riprap, gabions, and ecoblocks	High	Remove intertidal fill/restore beach deposits and processes, sand spits and accretion land forms	Ongoing discussions with Coast Guard and State Park	No ongoing monitoring identified
Consider opening southern end of the State Park marina breakwater	High	Protect and/or restore nearshore habitat and corridors; improve littoral drift, allow juvenile salmon passage along the shallow nearshore habitats of the boat basin area	No ongoing activity identified	No ongoing monitoring identified
Feed more sediments to the beach on the east side of the	High	Protect and/or restore nearshore	No ongoing activity identified	No ongoing monitoring identified

marina		habitat and corridors; documented forage fish spawning beach		
Treat, store, and redirect stormwater run-off that runs through Chetzamoka Park	High if chlorine or stormwater contaminants present	Treat stormwater properly	Ongoing implementation of the Stormwater Management Manual for Puget Sound Stormwater system improvements as street improvements are constructed	No ongoing monitoring identified
Removal of riprap along Chetzamoka Park	Medium	Protect naturally eroding bluffs	No ongoing activity identified	City has GIS mapping of shoreline armoring
Protection or acquisition of Jefferson County Tree Project Property near Chetzamoka Park	Medium	Protect naturally eroding bluffs	No ongoing activity identified	No ongoing monitoring identified
Remove bulkhead	Medium	Remove intertidal fill/restore beach deposits and processes	No ongoing activity identified	City has GIS mapping of shoreline armoring
Provide education incentives to encourage tree planting and retention	Medium	Protect naturally eroding bluffs	No ongoing activity identified	2005 aerial photograph
Restore native	Medium to	Protect	No ongoing	2005 aerial

marine riparian vegetation where possible	High depending upon location	and/or restore nearshore habitat and corridors Protect and restore native vegetation	activity identified	photograph
Northern Shoreline				
Remove pilings at Fort Worden near lighthouse	Low	Remove unused creosote pilings	No ongoing activity identified	No ongoing monitoring identified
Remove riprap on northern shore of Fort Worden	High	Remove intertidal fill/restore beach deposits and processes, sand spits and accretion land forms	No ongoing activity identified	City has GIS mapping of shoreline armoring
Remove unused concrete boat ramp at North Beach County Park	High	Remove intertidal fill/restore beach deposits and processes	No ongoing activity identified	City has GIS mapping of boat ramps
Remove bulkheads	Medium	Remove intertidal fill/restore beach deposits and processes	No ongoing activity identified	City has GIS mapping of shoreline armoring
Provide education incentives to encourage tree planting and retention	Medium	Protect naturally eroding bluffs	No ongoing activity identified	2005 aerial photograph
Homeowner	Medium	Protect	No ongoing	City has GIS

education and encourage bulkhead removal where possible		naturally eroding bluffs	activity identified	mapping of shoreline armoring
Restore native marine riparian vegetation where possible	High	Protect and/or restore nearshore habitat and corridors Protect and restore native vegetation	No ongoing activity identified	2005 aerial photograph
Lake Shoreline - Chinese Gardens				
Restore native riparian forested buffer	High	Protect and/or restore wetlands and salt marsh habitat Protect and restore native vegetation	No ongoing activity identified	2005 aerial photograph
Treat stormwater entering Chinese Gardens from developed areas	High	Manage and treat stormwater and wastewater properly	Ongoing implementation of the Stormwater Management Manual for Puget Sound Stormwater system improvements as street improvements are constructed	Water quality monitoring in straights
Investigate/study opportunities for restoration	High	Protect and/or restore	No ongoing activity identified	City and NWI GIS mapping

including possible Reconnection of wetland with Strait of Juan de Fuca		wetlands and salt marsh habitat		
Lake Shoreline - Kai Tai				
Removal of invasive species	High	Protect and restore native vegetation Protect and/or restore wetlands and salt marsh habitat	Ongoing Kai Tai planning process	No ongoing monitoring identified
Replant shoreline with native vegetation	High	Protect and restore native vegetation Protect and/or restore wetlands and salt marsh habitat	Ongoing Kai Tai planning process	2005 aerial photograph
Restore native riparian forested buffer	High	Protect and/or restore wetlands and salt marsh habitat Protect and restore native vegetation	Ongoing Kai Tai planning process	2005 aerial photograph
Investigate/Study opportunities for restoration	High	Protect and/or restore	No ongoing activity identified	City and NWI GIS mapping

including possible Restoration of tidal flow between the lagoon and saltwater		wetlands and salt marsh habitat		
Treat stormwater entering Kah Tai from developed areas	High	Manage and treat stormwater and wastewater properly	Ongoing implementation of the Stormwater Management Manual for Puget Sound Stormwater system improvements as street improvements are constructed	Water quality monitoring in bay

14.8 Existing and Ongoing Programs

The following list of agencies and organizations with nearshore interests is by no means complete. It does, however, include those agencies and organizations that appear to have the most interest in nearshore areas and restoration in and around the City of Port Townsend.

Hood Canal Coordinating Council (HCCC): Summer Chum Salmon Recovery Plan

The Hood Canal Coordinating Council, a “Watershed Based Council of Governments”, was established in 1985 under the Inter-local Cooperation Act (RCW 39.34) and was incorporated in 2000 as a “Non-profit, Public Benefit Corporation” (RCW 24.03.) The Council was established in response to community concerns about water quality problems and related natural resource issues in the watershed. The Staff to the Council are focusing their efforts on three activities:

a. Salmon recovery planning and monitoring (primarily summer chum salmon, Chinook salmon, and bull trout)

b. Salmon habitat projects (freshwater and marine)

c. Water quality (primarily the Hood Canal low dissolved oxygen problem)

In 1998, the Washington State Legislature passed the Salmon Recovery Act (HB 2496, now codified along with several amendments under RCW 77.85), to address the decline of salmon in this state. HB 2496, and subsequent legislation (SB 5595) set up the Salmon Recovery Funding Board (SRFB), which is responsible for implementation and oversight of the Salmon Recovery Act. The SRFB provides funding for salmon recovery projects located throughout Washington State. The Hood Canal Coordinating Council serves as the Lead Entity for Hood Canal and eastern Strait of

Juan de Fuca as set forth in the Salmon Recovery Planning Act. Individuals and organizations interested in participating in salmon recovery projects can find more information on the grant process and pertinent programs such as the Marine Riparian Initiative as www.hccc.wa.gov.

Jefferson County Marine Resources Committee

In 1998, passage of the Northwest Straits Marine Conservation Initiative established the Northwest Straits Commission and seven Marine Resource Committees, including the Jefferson County Marine Resource Committee (Jefferson MRC). The Jefferson MRC is a citizen-based effort to identify regional marine issues, foster community understanding and involvement, recommend positive action and develop support for various protection and restoration measures. The Jefferson MRC works toward fulfilling the following performance standards:

a. Broad county participation in MRCs

b. Achieve a scientifically-based, regional system of Marine Protected Areas (MPAs)

c. A net gain in highly ecologically productive nearshore, intertidal and estuarine habitat in the Northwest Straits, and no significant loss of existing, high-value habitat; improve state, tribal, and local tools to map, assess, and protect nearshore habitat and prevent harm from upland activities

d. Net reduction in shellfish harvest areas closed due to contamination

e. Measurable increases in factors supporting recovery of bottom fish (such as rockfish)--including numbers of fish of broodstock size and age, average fish size, and abundance of prey species--as well as sufficient amounts and quality of protected habitat

f. Increases in other key marine indicator species (including those identified in the 1997 West report on Puget Sound marine resources)

g. Coordination of scientific data (for example, through the Puget Sound Ambient Monitoring Program), including scientific baseline, common protocols, unified GIS, and sharing of ecosystem assessments and research

h. Coordinate with the Puget Sound Action Team and other entities on an effective outreach and education effort with measurements of the numbers of people contacted as well as changes in behavior.

In an attempt to reduce boating impacts to our local eelgrass, the Jefferson County Marine Resources Committee (MRC) will began a pilot project this year to inform boaters about the potential damage their anchors can cause, and encourage them to drop anchor outside the eelgrass areas. The MRC is a citizen-based advisory work group of the Board of County Commissioners that was first formed in 1999 and is tasked with pursuing eight performance benchmarks for improved marine resources. This group has received funds from the Northwest Straits Commission to place six to eight seasonal marker buoys just beyond the outer edge of the eelgrass meadows in Port Townsend Bay, between Point Hudson and the Washington State Ferry Terminal. These buoys identify the area as a voluntary anchor-free zone with a "no anchor" symbol in order to help protect the eelgrass meadows. The program will be explained through signs installed at appropriate places

on the shore and through distribution of brochures.

North Olympic Salmon Coalition (NOSC)

NOSC is a non-profit community based salmon recovery organization which provides funding, guidance, technical assistance, and ongoing support for salmon habitat restoration and enhancement. NOSC is one of the 14 Regional Fisheries Enhancement Groups throughout the state of Washington. The region includes the watersheds along the coast of the Strait of Juan de Fuca, from the Hood Canal Bridge west to Neah Bay. NOSC works cooperatively with the Washington Dept of Fish and Wildlife, Conservation Districts, Tribal Fisheries, schools, community organizations, volunteers and private landowners.

Northwest Maritime Center

The NWMC eelgrass restoration site is located in the waters of Port Townsend Bay at 400 Water Street, Tidelands 16. Upland portions of the site can be legally described as Block 4 and vacated Water Street, Original Townsite of Port Townsend, City of Port Townsend, and Jefferson County, Washington. Section 1, SW1/4, Township 30N, Range 1W. Eelgrass restoration at the NWMC dock is proposed to occur during the summer of 2004. Roughly 4,250 shoots of eelgrass will be planted covering approximately 4,300 square feet (400m2), essentially connecting the two existing eelgrass beds. This effort will be done by hand and will take three to five divers between three to five days to complete. As part of long-term monitoring, dive surveys, mapping, and monitoring to assess the recolonization of the beds is being conducted.

Puget Sound Action Team

The Puget Sound Action Team is a partnership that defines, coordinates and implements Washington State's environmental agenda for Puget Sound. This partnership is the central coordinator for the state's vision and collective efforts in Puget Sound. The purpose of the Puget Sound Action Team partnership is to protect and restore the Puget Sound and its spectacular diversity of life now and for future generations. The legislature created the Puget Sound Action Team in 1996 as the state's partnership for Puget Sound. A Strategic Framework guides the Action Team partnership's work.

The Puget Sound Council consists of representatives from a variety of important interests from the Puget Sound region. The Puget Sound Council provides advice and guidance to help steer the Action Team. It has representation from business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington state legislature. The Puget Sound Council advises the Action Team on work plan priorities and tracks the progress of state and local agencies in implementing the plans. The Council also recommends changes to the Puget Sound Water Quality Management Plan to address emerging issues.

The Action Team staff provides the necessary professional and technical services to ensure the team's success. Action Team staff help guide the implementation of the Puget Sound Water Quality Management Plan and work with tribal and local governments, community groups, citizens and businesses and state and federal agencies to develop and carry out two-year work plans. The work plans outline measurable results, as well as needed actions to improve the water quality and habitats for fish, marine animals and other aquatic life in Puget Sound.

Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

PSNERP is a cooperative effort among government organizations, tribes, industries, and environmental organizations to preserve and restore the health of Puget Sound's nearshore that generally runs from the top of bluffs on the land across the beach to the point where light penetrates the Sound's water sufficient to support attached marine vegetation (approximately 30 feet deep).

A General Investigation Reconnaissance Study conducted by the U.S. Army Corps of Engineers in 2000 identified a direct link between properly functioning (healthy) nearshore habitat and the physical condition of the shoreline. The study identified four areas that need restoration and improvement:

1. Restoring shoreline processes to a more natural state,
2. Providing beaches with essential sand and gravel materials,
3. Removing, moving, and modifying artificial structures (bulkheads, rip rap, etc.), and
4. Using alternative measures to protect shorelines from erosion.

The timeframe for implementing projects is longer term, with projects beginning in 2008. By June 2006, PSNERP will produce a strategic needs assessment for comprehensive, geo-spatially explicit, process-based restoration of Puget Sound's nearshore ecosystem. The PSNERP Science Team is working to narrow the uncertainty inherent in restoration, by improving our understanding of the most critical restoration needs at various scales of analysis in Puget Sound. To do so, PSNERP is reviewing and synthesizing a number of existing key data sets, collecting new information and adopting the most effective theories on the link between landscape ecology and restoration.

The current understanding of relationships between nearshore processes, structures and functions is illustrated in a nearshore conceptual model. This conceptual model continues to be refined as scientists test new hypotheses about nearshore processes, structure and function. Preliminary outputs of this analysis is informing those engaged in nearshore habitat restoration as part of their species recovery plans through this web site and guidance to the Salmon Recovery Funding Board. In turn, actions taken by salmon recovery lead entities may serve to evaluate hypothesized relationships between restoration actions and effects on ecosystem processes and salmon populations. It is expected that over time, the relationship between local species-specific efforts and regional process-based approaches will converge to the point that the restoration goals identified by species recovery entities and those of PSNERP are one and the same for many projects. Collaboration and sharing of resources will serve to bring about a common endpoint as the ecological integrity of Puget Sound is improved to the benefit of salmon, shellfish, marine birds, and other components of the ecosystem.

Puget Sound Nearshore Policy Group

Staff to the Puget Sound Action Team (PSAT) partnership has convened a regional group to conduct a policy discussion that sets a vision for salmon recovery in Puget Sound's nearshore and marine environments. This vision will lead to actions that protect and restore Puget Sound's

shorelines, marine areas and estuaries for salmon recovery.

This high-level policy group is central to development of a nearshore chapter in Shared Strategy's salmon recovery plan for Puget Sound. This group is working to establish policy direction and identify needed commitments to actions that will protect and restore Puget Sound's shorelines, marine areas, and estuaries for salmon recovery. This nearshore chapter will address regional threats to the nearshore environment and regional-scale management opportunities.

The specific objectives of the nearshore policy group are to:

1. Develop a set of regional strategies for salmon recovery in the nearshore;

2. Identify needed commitments for actions and pathways to gain those commitments;

3. Develop prescriptions for additional activities that should occur to protect and restore nearshore and marine ecosystems in the Puget Sound region; and

4. Develop an overall vision of nearshore and marine contributions to salmon recovery and integrate this vision with all other chapters of the Shared Strategy's recovery plan.

The nearshore policy group has technical support from PSAT staff members who are working with regional experts and other individuals involved in developing planning area chapters. Staff members and others are working to assess and analyze relationships among management actions that might be needed to protect and restore the nearshore and marine ecosystem processes and functions that will support viable salmon populations.

Puget Sound Technical Recovery Team (TRT)

The Puget Sound Technical Recovery Team provides the overall scientific conceptual approach for assessing salmon recovery planning. This approach identifies the four characteristics of a population and their role in maintaining population viability. These characteristics are abundance, productivity, spatial structure and diversity. TRT liaisons help watershed groups implement their technical approach to ensure that it is consistent with the logic laid out in the Watershed Guidance. Kurt Fresh, biologist with NOAA Fisheries, and other scientists also support watersheds in applying the TRT guidance document to the nearshore component of their draft habitat plans.

Shared Strategy for Puget Sound

The Shared Strategy is a collaborative effort to protect and restore salmon runs across Puget Sound. Shared Strategy engages local citizens, tribes, technical experts and policy makers to build a practical, cost-effective recovery plan endorsed by the people living and working in the watersheds of Puget Sound. To accomplish this, Shared Strategy partners have designed a work program that calls for draft chapters of recovery plans by June 2004 and for final chapters by June 2005.

Shared Strategy staff support local watershed planning areas in developing policy and technical approaches to recovery planning. These approaches will result in a chapter that contains actions and commitments. Shared Strategy staff support watersheds in obtaining the additional support necessary for them to develop their chapter. Shared Strategy staff also work with the Action Team

to support the development of a Puget Sound-wide nearshore chapter.

Washington Dept of Fish and Wildlife, Summer Chum Salmon Conservation Initiative: A Plan to Recover Summer Chum Salmon

The goals of the chum salmon recovery plan is to protect, restore and enhance the productivity, production and diversity of Hood Canal summer chum salmon and their ecosystems to provide surplus production sufficient to allow future directed and incidental harvests of summer chum salmon. The plan focuses primarily on harvest and hatchery issues for summer chum salmon, though it does not document physical habitat conditions in the natal summer chum watersheds and sub-estuaries.

WSU Shore Stewards Program / Water/Beach Watchers

WSU will be starting a Shore Stewards Program as part of the Water/Beach Watchers in 2005. It is a one year old program piloted by WSU Island County Beach Watchers. It provides education and best practices for shoreline landowners, and participants receive a metal Shore Stewards sign for their property. The WSU Regional Water Quality Team applied for grant funding to PSAT and will be partnering with WSU and WA Sea Grant in Mason and Kitsap counties to do a coordinated program all along Hood Canal. This has been described as the best design for an on-going stewardship program to help improve the low dissolved oxygen situation in the Canal.

Watershed Planning (WRIA 17)

Watersheds often encompass broad land areas and cross various governmental jurisdictions. The Watershed Management Act created a mechanism to focus water-related planning on a local, watershed basis by forming the Planning Unit, composed of various interests and governments. Included in the new administrative body are counties, municipalities, utilities and Tribal Governments, collectively knows as Initiating Governments. The composition of the Planning Unit must include a wide range of water resource interests and representatives of state, county, and tribal governments whose policies and resources may be affected by the proposed plan. The purpose of the Planning Unit is to formulate a plan containing recommendations on water quality and quantity management, protection and restoration of instream flows, protection of fish habitat and alternative strategies for managing water, to be sent to local and state governments for adoption. The Planning Unit instituted two subgroups; the Steering Committee, to help it move forward with administrative issues; and a Technical Committee to sort through the details of resource data required to make informed water management decisions. The final WRIA 17 Plan is now available on their website.

14.9 Strategies

This section discusses programmatic measures for the City of Port Townsend designed to foster shoreline restoration and achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Port Townsend does not anticipate leading most restoration projects or programs. However, the City's SMP represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by private and/or non-profit entities. The discussion of restoration mechanisms and strategies below highlights programmatic measures that the City could implement, as well as parallel activities that would be led by other governmental and non-governmental organizations.

Restoration Demonstration Project

A small demonstration restoration project that included a variety of techniques could be completed by the City as an example for others. The City could also identify a set of good demo restoration projects (which have broad public support), then actively solicit entities to implement one or more of them.

Additionally, the City could work with existing programs such as the HCCC Marine Riparian Initiative to leverage funding and efforts where available to implement smaller scale demonstration projects.

Volunteer Coordination

Another way the city could accomplish restoration projects is by using community volunteers. Volunteers could be recruited for project implementation and monitoring and the city would provide equipment and expertise. The city would also need to fund a volunteer coordinator to organize projects, solicit various environmental groups and individual volunteers to complete the projects and partner or coordinate with other government entities on projects.

Regional Coordination

The City should consider formally joining and taking an active role in the Hood Canal Coordinating Council, an inter-governmental organization facilitating freshwater and shoreline habitat restoration for salmon recovery, rather than attempting to duplicate its activities. The city should also look for other opportunities for involvement in regional restoration planning and implementation.

Capital Facilities Program

The City should develop shoreline restoration as a new section of the city's Capital Facilities Program, even if not immediately funded, to ensure that they are considered during the City's budget process. Some of the opportunities listed that may be prime candidates for immediate consideration due to interest and potential outside support are:

- Removal, in cooperation with the County, of the relic concrete boat ramp at North Beach Park, a County park, on the north shoreline near Chinese Gardens. Rough cost estimate: $20,000

- Removal of remaining train trestle at the west end of the Kai Tai Trough and near the start of the Larry Scott Trail. Rough cost estimate: $100,000

- Re-establishment of the connectivity of the marine shoreline with the associated wetland at the west end of the Kai Tai Trough and near the start of the Larry Scott Trail. Rough cost estimate: $250,000

Development Opportunities

When shoreline development occurs, the City should look for opportunities to conduct restoration in addition to minimum mitigation requirements.

Development may present timing opportunities for restoration that would not otherwise occur and

may not be available in the future.

Mitigation may also allow for the “banking” for opportunities.

In certain cases, on-site mitigation opportunities are limited due to building site constraints, limited potential ecological gains, or other site-specific factors. In these instances, the City shoreline administrator may identify an off-site restoration site that could be contributed in lieu of on site mitigation.

Development Incentives

Provide development incentives for restoration that might include the waiving of some or all of development application fees or waiving city-required infrastructure improvement fees. This could serve to encourage developers to try to be more imaginative or innovative in their development designs to include more access and preservation.

Tax Relief / Fee System

Consider a tax/fee system to directly fund shoreline restoration measures. One possibility is to have the City work with the county to craft a preferential tax incentive through the Public Benefit Rating System administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private landowners to preserve natural shore-zone features for "open space" tax relief. DOE has published a technical guidance document for local governments who wish to use this tool to improve landowner stewardship of natural resources. More information about this program can be found at http://www.ecy.wa.gov/biblio/99108.html. The guidance in this report provides "technically based property selection criteria designed to augment existing open space efforts with protection of key natural resource features which directly benefit the watershed.

Communities can choose to use any portion, or all, of these criteria when tailoring a Public Benefit Rating System to address the specific watershed issues they are facing."

Another possibility is a Shoreline Restoration Fund. A chief limitation to implementing restoration is local funding, which is often required as a match for state and federal grant sources. To foster ecological restoration of the City’s shorelines, the City could establish an account that may serve as a source of local match monies for non-profit organizations implementing restoration of the City’s shorelines. This fund could be administered by the City shoreline administrator and would be supported by a levy on new shoreline development proportional to the size or cost of the new development project. Monies drawn from the fund would be used as a local match for restoration grant funds, such as the Salmon Recovery Funding Board (SRFB), Aquatic Lands Enhancement Account (ALEA), or another source.

Shore Stewards Education

Shore Stewards are shoreline property owners and residents of waterfront communities with shared beach access who voluntarily follow 10 wildlife- friendly guidelines in caring for their beaches, bluffs, gardens and homes. These guidelines help them create and preserve a healthy shoreline environment for fish, wildlife, birds and people. This program was created to help shoreline residents feel more connected to the nearshore ecosystem because it is found that when people understand the natural processes at work on their beaches, they may play a more active, positive

role in the preservation of healthy, fish-friendly wildlife habitats.

The 10 guidelines for shoreline living are:

1. Use water wisely
2. Maintain your septic system
3. Limit pesticide and fertilizer usage
4. Manage upland water runoff
5. Encourage native plants and trees
6. Know permit procedures for shoreline development
7. Develop on bluffs with care
8. Minimize bulkheads, docks and other structures
9. Respect intertidal life
10. Preserve eelgrass beds and forage fish spawning habitat

Shore Stewards was created in 2002 with grant funding by the Island County Marine Resources Committee. The pilot program was launched on Camano Island by a dedicated group of Washington State University (WSU) Beach Watchers, who wrote the resource-packed Shore Stewards Guide. Shore Stewards is now expanding to other counties of Puget Sound.

Stewardship Certification Process

The Shore Stewards program sets up guidelines for shoreline residents to preserve and enhance the shoreline environment. With a verification component, Shore Stewards could provide certification and tracking. This could be implemented as a Shoreline Tax Incentives when someone participates in the WDFW backyard sanctuary program. Since the City recognizes that there are important opportunities to improve shoreline ecological conditions and functions through non-regulatory, volunteer actions by shoreline residents and property owners it might examine the potential for property tax breaks for shoreline property owners who are actively manage their property for habitat protection or enhancement. To encourage volunteer actions that better shoreline ecological functions and values, shoreline property owners actively participating in the WDFW backyard sanctuary program or some similar program could receive, for example, a 5% credit on their City property taxes.

Resource Directory

Develop a resource list for property owners that want to be involved in restoration. Examples of grant programs that could be included are:

Landowner Incentive Program (LIP) – This is a competitive grant process to provide financial assistance to private individual landowners for the protection, enhancement, or restoration of habitat to benefit species-at-risk on privately owned lands. Check the LIP website for information

about the next application cycle.

Salmon Recovery Funding Board (SRFB) Grant Programs – SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), Tribal governments, state agencies, nonprofit organizations, and private landowners. All projects require participation in the lead entity process. In the Port Townsend area, the Hood Canal Coordinating Council serves as the lead entity. Information on the program can be found in the Process Guide, available at the HCCC website at www.hccc.wa.gov.

Information on regional priorities can be found in the HCCC Salmon Habitat Recovery Strategy at the same website.

Hood Canal Community Salmon Fund – This is a partnership between the SRFB and the National Fish and Wildlife Foundation to provide a small grants program to implement smaller-scale projects in high priority areas, building on the HCCC Salmon Habitat Recovery Strategy and Salmon Recovery Plans.

Backyard Sanctuary Program

Encourage participation in Washington Department of Fish and Wildlife backyard sanctuary program.

14.10 Project Evaluation

When a project is proposed for implementation by the city, other agency or by a private party, the restoration project should be evaluated to ensure that the project's objectives are consistent with those of this Restoration chapter of the SMP and, if applicable, that the project warrants implementation above other candidate projects. (It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow.)

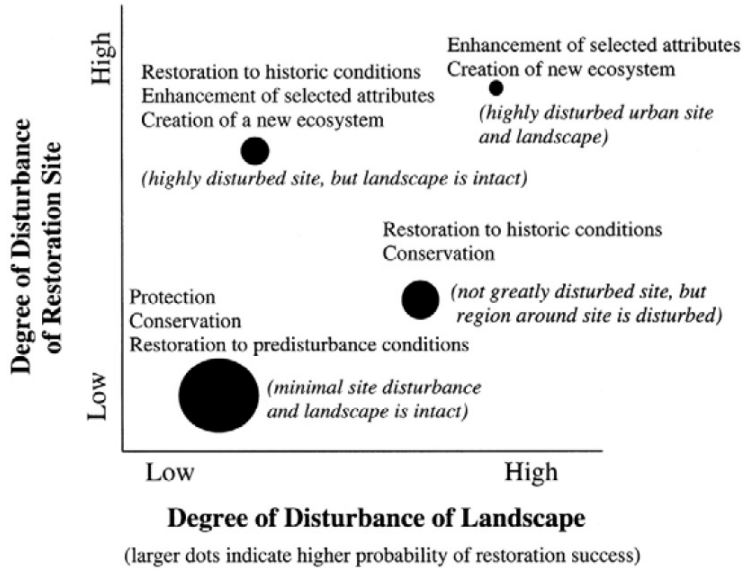


Figure 2 (Thom 2005)

It is also expected that the list of potential projects may change over time, that new projects will be identified and existing opportunities will become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, the following nine criteria should be considered in assessing priority (the criteria are not listed in any order of importance):

a. Restoration meets the goals and objectives for shoreline restoration.

b. Restoration of processes is generally of greater importance than restoration of functions.

c. Restoration avoids residual impacts to other functions or processes.

d. Projects address a known degraded condition.

e. Conditions that are progressively worsening are of greater priority.

f. Restoration has a high benefit to cost ratio.

g. Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.

h. There is public support for the project.

i. The project is supported by and consistent with other restoration plans, such as that for WRIA 17.

The city shall develop a project “score card” as a tool to evaluate projects consistent with these criteria (for example, see the project scorecard from the Lower Columbia River Estuary Partnership.

14.11 Monitoring and Adaptive Management

In addition to project monitoring required for individual restoration and mitigation projects, the city should conduct system-wide monitoring of shoreline conditions and development activity, to the degree practical, recognizing that individual project monitoring does not provide an assessment of overall shoreline ecological health. The following three-prong approach is suggested:

1. Track information using the city’s GIS and permit system as activities occur (development, conservation, restoration and mitigation), such as:

a. New shoreline development

b. Shoreline variances and the nature of the variance

c. Compliance issues

d. New impervious surface areas

e. Number of pilings

f. Removal of fill

g. Vegetation retention/loss

h. Bulkheads/armoring

The city may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. Regardless, as development and restoration activities occur in the shoreline area, the city should seek to monitor shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

2. Periodically review and provide input to the regional ongoing monitoring programs, such as:

a. DNR monitoring

b. Puget Sound Ambient Monitoring Program

c. University of Washington

d. Hood Canal Dissolved Oxygen Program

e. Hood Canal Coordinating Council and associated partners

f. Puget Sound Nearshore Ecosystem Restoration Program

Through this coordination with regional agencies, the city should seek to identify any major environmental changes that might occur.

3. Re-review status of environmental processes and functions at the time of periodic SMP updates to, at a minimum, validate the effectiveness of the SMP. Re-review should consider what restoration activities actually occurred compared to stated goals, objectives and priorities, and whether restoration projects resulted in a net improvement of shoreline resources.

Under the Shoreline Management Act, the SMP is required to result in no net loss of shoreline ecological resources. If this standard is found to not be met at the time of review, Port Townsend will be required to take corrective actions. The goal for restoration is to achieve a net improvement. The cumulative effect of restoration over the time between reviews should be evaluated along with an assessment of impacts of development that is not fully mitigated to determine effectiveness at achieving a net improvement to shoreline ecological resources.

To conduct a valid reassessment of the shoreline conditions under the schedule established by RCW 90.58.080 4(b) as currently codified or hereinafter amended by the state, it is necessary to monitor, record and maintain key environmental metrics to allow a comparison with baseline conditions.

As monitoring occurs, the city should reassess environmental conditions and restoration objectives. Those ecological processes and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful

restoration may reduce the importance of some restoration objectives in the future.

Evaluation of shoreline conditions, permit activity, GIS data, and policy and regulatory effectiveness should occur at varying levels of detail consistent with the Comprehensive Plan update cycle. A complete reassessment of conditions, policies and regulations should be considered under the schedule established by RCW 90.58.080 4(b) as currently codified or hereinafter amended by the state. (Ord. 3062 § 3, 2011).

14.12 Uncertainty

This restoration chapter proposes project opportunities to restore shoreline conditions. The restoration opportunities included are based upon a detailed inventory and analysis of shoreline conditions. Nonetheless, exhaustive scientific information about shoreline conditions and restoration options is cost prohibitive at this stage. Additionally, restoration is experimental. Monitoring must be an aspect of all restoration projects. Information from monitoring studies will help demonstrate what restoration is most successful. Generally, conservation of existing natural areas is the least likely to result in failure. Alternatively, enhancement (as opposed to complete restoration of functions), has the highest degree of uncertainty.

This SMP does not provide a comprehensive scientific index of restoration opportunities that allows the city to objectively compare opportunities against each other. If funding was available, restoration opportunities could be ranked by which are expected to have the highest rates of success, which address the most pressing needs, and other factors. Funding could also support a long term monitoring program that evaluates restoration over the life of the SMP (as opposed to independent monitoring for each project).

14.13 Potential Funding Sources

Potential sources of grant funding for restoration opportunities on the city's shorelines have been documented in Table 14.13-1.

Table 14.13-1: Funding Opportunities

Grant Name	Allocating Entity	Grant Size	Contact
Acorn Foundation	Acorn Foundation	$5,000 - 12,000	Elizabeth Wilcox Phone: (510) 834-2995 Email: ccounsel@igc.org
Allen Family Foundation, Paul G.			(http://www.pgafamilyfoundation.org/)
Aquatic Lands Enhancement Account	Washington Department of Natural Resources	$10,000 – 1 Million	Leslie Ryan Phone: (360) 902-1064 Email: leslie.ryan@wadnr.gov
Audubon Washington			
Basinwide	U.S. Army		Bruce Sexauer

Restoration New Starts General Investigation	U.S. Army Corps of Engineers	varies	Bruce Sexauer Phone: (206) 764-6959 Email: bruce.r.sexauer@usace.army.mil
Bring Back the Natives	National Fish and Wildlife Foundation	Variable. FY99 Grants ranged from $21,400 to 450,000	Pam McClelland Phone: (202) 857-0166 Email: mcclelland@nfwf.org
Bullet Foundation			
City Fish Passage Barrier, Stormwater and Habitat Restoration Grant Program	Washington Department of Transportation	varies	Cliff Hall Phone: (360) 705-7993 Email: hallc@wsdot.wa.gov
Coastal Grant Program	U.S. Fish & Wildlife Service	$5,000 - 50,000	Coastal Grant Contact Phone: (703) 358-2201
Coastal Zone Management Administration/ Implementation Awards	Washington State Department of Ecology	$19,000 - 29,000	Bev Huether Phone: (360) 407-7254 Email: bhue461@ecy.wa.gov
Community-Based Restoration Program	National Oceanic and Atmospheric Administration	$1,000 to 500,000	Chris Doley Phone: (301) 713-0174 Email: chris.doley@noaa.gov
Cooperative Endangered Species Conservation Fund	U.S. Fish & Wildlife Service	$1,000 - 14,000	Dan Morgan Phone: (703) 358-2061 Email: Dan_Morgan@fws.gov
Doris Duke Charitable Foundation	Doris Duke Charitable Foundation	Multi-year grants that range from $125,000 - 3.5 million	Adrienne Fisher Phone: (212) 974-7000 Email: afisher@ddcs.org
FishAmerica Grant Program	FishAmerica Foundation	varies	Johanna Laderman Phone: (703) 519-9691 Email: jladerman@asafishing.org
Five-Star Restoration Program	Environmental Protection Agency	$5,000 - 20,000. Subgrants average	John Pai Phone: (202) 260-8076 Email: pai.john@epa.gov

		$10,000	
FMC Corporation Bird and Habitat Conservation Fund	FMC Corporation and The National Fish and Wildlife Foundation	varies	Peter Stangel Phone: (404) 769-7099 Email: stangel@nfwf.org
Forest Legacy Program – Washington	U.S. Forest Service, Washington Department of Natural Resources	varies	Brad Pruitt Phone: (360) 902-1102 Email: brad.pruitt@wadnr.gov
Habitat Conservation	U.S. Fish and Wildlife Service Coastal Program	varies	Sally Valdes Phone: 703-358-2201 Email: sally.valdes@fws.gov
Hugh and Jane Ferguson Foundation	Hugh and Jane Ferguson Foundation	$2,000 - 7,500	Therese Ogle Phone: (206) 781-3472 Email: OgleFounds@aol.com
Landowner incentive program	Washington State Department of Fish and Wildlife, Lands Division	up to $5,000 for small grants; others up to $50,000	Ginna Correa or Jeff Skriletz Phone: (360) 902-2478 or (360) 902-8313 http://wdfw.wa.gov/lands/lip
Matching Aid to Restore States Habitat (MARSH)	Ducks Unlimited	varies	Ducks Unlimited Phone: (916) 852-2000 Email: conserv@ducks.org
Migratory Bird Conservancy	National Fish and Wildlife Foundation	$10,000 - 60,000	Peter Stangel Phone: (404) 769-7099 Email: stangel@nfwf.org
Native Plant Conservation Initiative	Bureau of Land Management, Forest Service, Fish and Wildlife Service, and	$10,000 - 50,000	Caroline Cremer Phone: (202) 857-0166 Email: caroline.cremer@nfwf.org

	National Park Service		
Nonpoint Source Implementation Grant (319) Program	Environmental Protection Agency, Washington State Department of Ecology	varies	Aleciea Tilley Email: atill461@ecy.wa.gov
North American Wetlands Conservation Act Grants Program	U.S. Fish & Wildlife Service	$100,000 - 1 million, small grants capped at $50,000	Bettina Sparrowe Phone: (703) 358-1784 Email: r9arw_nawwo@fws.gov
Pacific Grassroots Salmon Initiative	National Fish & Wildlife Foundation	$5,000 - 100,000	Anna Weinstein Phone: (415) 778-0999 Email: weinstein@nfwf.org
Planning/Technical Assistance Program	Bureau of Reclamation	varies	Dave Nelson Phone: (503) 872-2801 Email: drnelson@pn.usbr.gov
Puget Sound Action Team Public Involvement and Education fund	Puget Sound Action Team		http://www.psat.wa.gov/Programs/Education.htm
Puget Sound Program	U.S. Fish & Wildlife Service	varies	Mary Mahaffy Phone: (360) 753-7763 Email: mary_mahaffy@fws.gov
Puget Sound Wetland Restoration Program	Washington State Department of Ecology	Technical Assistance	Richard Gersib Phone: (360) 407-7259 Email: rger461@ecy.wa.gov
Regional Fisheries Enhancement Groups	Washington State Department of Fish and Wildlife	$10,000 - 40,000	Kristi Lynett Phone: (360) 902-2237 Email: lynetksl@dfw.wa.gov
Salmon Recovery Funding Board	Interagency Committee for Outdoor Recreation	varies	Rollie Geppert Phone: (360) 902-2636 Email: Salmon@iac.wa.gov
Section 204: Environmental		75% of total	

Environmental Restoration Projects in Connection with Dredging	U.S. Army Corps of Engineers	75% of total project modification costs	Mona Thomason Phone: (206) 764-3600 Email: mona.j.thomason@usace.army.mil
Section 206: Aquatic Ecosystem Restoration Program	U.S. Army Corps of Engineers	65% of total project implementation cost	Martin Hudson Phone: (503) 808-4703 Email: martin.hudson@usace.army.mil
Transportation Environmental Research Program (TERP)	Federal Highway Administration	$20,000 - $50,000	Michael Koontz Phone: 410-962-4586 Email: michael.koontz@fhwa.dot.gov
Transportation Equity Act for the 21st Century (TEA-21)	Washington Department of Transportation	varies	Shari Schaftlein Phone: (360) 705-7446 Email: sschaft@wsdot.wa.gov
Washington State Ecosystems Conservation Program	U.S. Fish & Wildlife Service	$500 - 26,000	Rich Carlson Phone: (360) 753-5829 Email: rich_carlson@fws.gov
Wetland Protection, Restoration, and Stewardship Discretionary Funding	Environmental Protection Agency	$5,000 - $20,000	Christina Miller Phone: (206) 553-6512 Email: miller.christina@epa.gov

More detailed information about eligibility may be obtained from the contact identified for the funding source.

14.14 Restoration Glossary

Abiotic: Nonliving, such as environmental factors including light, temperature, and atmospheric gases.

Biotic: Produced or caused by living organisms or having to do with life or living organisms.

Disturbance: Any relatively discrete event in time and space that disrupts or alters some portion of an ecosystem. Disturbances are important factors that affect the character and state of ecosystems. Examples from nearshore ecosystems include:

- Winter storms, which move large quantities of organic (e.g., logs) and inorganic (e.g., sand) materials that can reshape beaches.

- Landslides, which deposit sand and gravel from bluffs onto beaches and into nearshore marine

waters.

- Shifts in ocean currents, which can result in changes in nutrient availability, water temperature, primary production, and food web relationships.

Ecosystem: Community of organisms and their physical and chemical environment interacting as an ecological unit.

Ecosystem process: Any interaction among physical, chemical and biological elements of an ecosystem that involves a change in character or state of that system. In nearshore ecosystems, some examples include the following:

- Changes in chemical composition of the water or sediment that occur as part of nutrient uptake and transformation.

- Movement and mixing of fresh and salt water through an estuarine delta.

- Sediment transport along the shoreline.

Ecosystem recovery: Taking actions that allow an ecosystem to generate and maintain processes that result in desirable ecosystem structure (e.g., habitats for valued species) and functions (e.g., forage fish production).

Habitat: The physical, chemical and biological characteristics of a specific spatial unit or geographic area of the environment occupied by specific biota (e.g., we refer to "Pacific sand lance habitat" and "sand beach ecosystems"). To define habitat, it is necessary to know the spatial extent in the ecosystem of a specific habitat for the plant or animal considered, and the attributes of the habitat that support growth and survival of that organism.

Nearshore: The estuarine/delta, marine shoreline and areas of shallow water from the top of the coastal bank or bluffs to the water at a depth of about 10 meters below Mean Lower Low Water. (This is the average depth limit of light penetration.) This zone incorporates those geological and 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.

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Chapter 15
Definitions

SECTIONS:

15.1 General Information

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15.1 General Information

For the purpose of this Master Program, certain terms and their derivations shall be construed as specified in this section. Some terms used in this Master Program may have a different definition and application under other City of Port Townsend regulations. Words in the singular include the plural, and the plural, the singular. The words "shall" and "will" are mandatory; the word "may" is permissive. Additional definitions applicable to this Master Program and adopted by reference herein, are found in RCW 90.58 and applicable sections of the Washington Administrative Code. The following definitions apply throughout this Program, unless otherwise indicated.

If a definition is not included here, the city shall rely on definitions found in applicable citations in the Revised Code of Washington (RCW), Washington Administrative Code (WAC), the Port Townsend Municipal Code (PTMC), and finally a standard dictionary, in that order. In case of conflict with PTMC, definitions within the RCW, WAC, and/or this Master Program shall prevail.

15.2 Definitions: A to B

Abandoned Over-water Structure

An over-water structure that has been abandoned and has fallen into a dilapidated state such that reuse of the structure will require repairs equal to or greater than 50% of it's market value.

Abiotic – Not "biotic." Accessory Building

A subordinate building attached to or detached from the principal building and used for purposes customarily incidental to the use of the principal building. Accessory buildings include but are not limited to an automobile storage garage, playhouse, laundry room, garden shelter, hobby room and mechanical room. (PTMC – Zoning – January 1, 2005).

Accessory Dwelling Unit

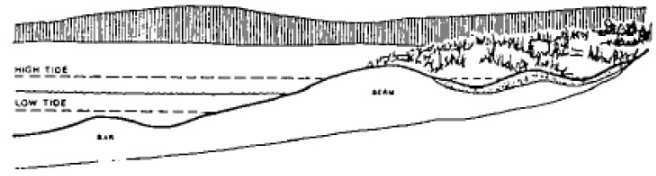
An accessory dwelling unit (ADU) is a habitable dwelling unit added to, created within, or detached from and on the same lot with a single family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

Accessory Use

A water-oriented or non-water-oriented use that is demonstrably subordinate and incidental to a water-oriented use; located on the same lot or in the same building as the water-oriented use; and which functionally supports its activity.

Accretion

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



ACCRETIVE BEACH

Act

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

Activity

An occurrence associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include but are not limited to fishing, swimming, boating, dredging, fish spawning, wildlife nesting, or discharging of materials.

Adaptive Reuse

Any change of use that is not considered a water-oriented use in a portion of any eligible building located in the Point Hudson Shoreline Designation. Adaptive reuses are limited to 30% of the total square footage of any eligible building and may include the uses specifically identified within the table of permitted uses for the Point Hudson Subdistricts.

[NOTE: The purpose of the adaptive reuse provision is to help revitalize and rehabilitate the existing coast guard buildings within the Point Hudson East subdistrict by facilitating the conversion of older, smaller spaces to viable uses that build on the character of the existing buildings and uses currently found within those buildings. Adaptive reuse is intended to help reduce vacant space in Point Hudson, rehabilitate historic and culturally significant buildings, and encourage an appropriate mix of water-enjoyment uses and visitor services.]

Adjacent Lands

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

Administrator

The Port Townsend Development Services Director or his/her designee, charged with the responsibility of administering the Port Townsend Shoreline Master Program.

Advertising

Means any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects or registered trademarks which serve to call to the attention of the public products, services, businesses, buildings, premises, events, candidates or ballot proportions (PTMC). On-premise advertising is that which is actually located on the site of the business or service advertised.

Agriculture

The cultivation of soil, production of crops, or the raising of livestock.

AKART

An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Alteration

Means any human-induced action that impacts the existing conditions of the area. Alteration includes but is not limited to:

Grading, filling, dredging, draining, channelizing, cutting, topping; Clearing, relocating or removing vegetation;

Paving, construction, modifying for surface water manage purposes;

Human activity that impacts the existing topography, vegetation, hydrology or wildlife habitat.

Alteration does not include walking, passive recreation or similar activities.

Anadromous Fish

Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate (e.g., salmon).

Applicable Master Program

The Master Program approved or adopted by the Washington State Department of Ecology pursuant to RCW 90.58.090 or RCW 90.58.190.

Appurtenance

A structure or development that is necessarily connected to the function and enjoyment of a single-family residence or other use and is located landward of the ordinary high water mark and the

perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty (250) 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 food fish, shellfish, or other aquatic plants or animals, including the incidental preparation of these products for human use. The term encompasses a wide variety of activities including hatching, seeding, planting, cultivating, feeding, raising, and harvesting of plants and animals. Those activities that do not meet the definition of “development” in this Master Program (e.g., recreational hand harvesting) are not subject to shoreline permit requirements.

Aquatic

All water bodies, including marine waters, lakes, rivers, and streams and their respective water columns and underlying lands, which are defined as shoreline of the state.

Archaeology

The systematic recovery by scientific methods of material evidence remaining from man’s life and culture in past ages, and the detailed study of this evidence.

Artwork

As used in this Master Program, artwork means an original creation of visual art including but not limited to sculptures, fountains, ceramic tiles, and earthworks. Murals and structures (such as the Jackson Bequest or Wave Viewing Gallery) are excluded from this definition. See the City’s sign code for regulation of murals (17.76 PTMC). See “Structure”.

Associated Wetlands

Those 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 (WAC 173-22-030(1)).

Backshore

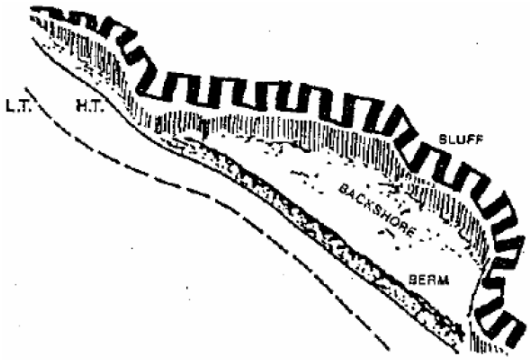
The area wetted by storm tides but normally dry between the coastline and the high tide line. It may be a narrow gravel berm below a sea bluff or a broader complex of berms, marshes, meadows, or dunes landward of the high tide line.

Bar

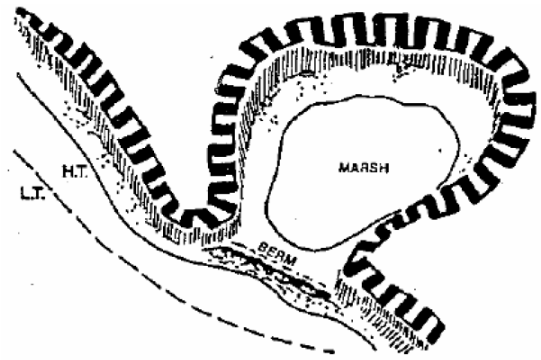
Similar to spits and hooks, though generally not attached to the mainland during periods of high water.

Barrier Beach

An accretion shore form of sand and gravel that has been deposited by longshore drift, like storm barriers, in front of bluffs, bays, marshes and estuaries.



BLUFF BARRIER BEACH



BAY BARRIER BEACH

Bathymetry, Bathymetrics

The measurement of water depth at various places in a body of water; also: the information derived from such measurements

- bathy·met·ric

Beach

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

Beach feeding

A process by which beach material is deposited at one or several locations in the updrift portion of a driftcell. The material is then naturally transported by a wave's down drift to stabilize or restore eroding beaches or berms.

Benthic/Benthos

Of or having to do with the bottom of oceans or seas. In biology, "benthos" meaning the organisms living on or in the bottom of oceans, lakes, or streams.

Berms

A linear mound of sand or gravel that is placed parallel to the shore at or above the ordinary high water mark. This may be a natural or a manmade feature.

Best Management Practices (BMPs)

BMPs are methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters. The term "best management practices" is typically applied to nonpoint source pollution controls and is considered a subset of the AKART requirement.

Bioengineering

The practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include fisheries habitat enhancement measures in project design (e.g., anchored logs, root wads, etc.).

Biota

The animals and plants that live in a particular location or region.

Bioengineering/biotechnical measures

Bioengineering is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles for stems, root systems, or other living plant material; soft gabions, fabric or other soil stabilization techniques; and limited rock toe protection where appropriate. The use of bioengineering as a shoreline stabilization technique is seen as an alternative to riprap, concrete and other structural solutions.

Biotic

Of or relating to life; especially: caused or produced by living beings.

Boat Launch or Ramp

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

Boat Lift

A mechanical device that can hoist vessels out of the water for storage. These devices are usually located along a Boathouse

Boat House

A structure designed for storage of vessels located over water or in upland areas. Boathouses should not be confused with "houseboats."

Boating Facilities

Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types, covered moorage, and marine travel lifts.

Bog

A shallow water area that may be filled by sedimentation and the decaying of vegetation [reference WAC 173-22-030(5)].

Breakwater

An off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

Buffer

”Buffer” means an area on a landscape adjacent to any critical area which:

1. Physically isolates the critical area from surrounding areas using distance, height, visual and/or sound barriers;

2. Acts to minimize risk to the public from loss of life, well-being or property damage resulting from natural disasters associated with the critical area;

3. Protects the functions and values of the critical area from adverse impacts of adjacent activities;

4. Provides shading, input of organic debris and coarse sediments, room for variation and changes in natural critical area characteristics;

5. Provides habitat for wildlife; and/or

6. Provides protection from harmful intrusion.

All of these buffer functions protect the public from losses suffered when the functions and values of critical areas are degraded.

(Also See “Setbacks”).

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of any use or occupancy. (different but consistent with PTMC)

Building Height – see Height

Bulkhead

A solid or open pile wall usually constructed parallel to the shore whose primary purpose is to

contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect marine bluffs by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting. Bulkheads are typically constructed of poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations.

Bulkheads are normally lighter than a seawall and similar to structures termed "Revetments" defined below.

Buoy

Buoys are floating devices anchored in a waterbody for navigational purposes or moorage. See also “Mooring Buoy.”

15.3 Definitions: C to F
Campground

An outdoor area established for overnight accommodation of recreational user.

Channel

An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock watering channels. See also “Stream”.

City

The incorporated City of Port Townsend, Washington.

Clearing

The destruction or removal of vegetation, ground cover, shrubs and trees including, but not limited to, root material removal that affects the erosive potential of the soils on the site. This includes such activities as clear-cutting or selective harvest of trees, chipping of stumps and hauling off of shrubs, slash piles, etc.

Coastline

The highest landward line of long-term marine water effect upon the land.

Covered Moorage

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

Commercial

Commercial developments are those uses that are involved in wholesale, retail, service or business trade activities. Examples include but are not limited to hotels, motels, grocery stores, restaurants, shops, offices, visitor’s centers, government or other offices, and indoor recreation facilities.

Comprehensive Plan

Comprehensive Plan means the document, including maps, adopted by the city council that outlines the City’s goals and policies relating to management of growth, and prepared in accordance with

Ch. 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Ch. 36.70A RCW.

Conditional Use

A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

Conservancy

An area with valuable natural, cultural, or historical resources.

County

Jefferson County, Washington.

Creek

A small stream; often a shallow or intermittent tributary to a river. Surface water run-off flowing in a natural or modified channel that is drawn by gravity to progressively lower levels and eventually to the sea.

Critical Areas

For the purposes of this Master Program, "critical areas" include aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and critical drainage corridors, geologically hazardous areas, wetlands and streams. Under the GMA, critical areas are to be classified, designated and protected. In designating and protecting critical areas, the city shall use the best available science, consistent with RCW 36.70A.172.

Cumulative Impact

The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

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 other 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 Act at any state of water level (RCW 90.58.030(3d)).

See also “Substantial Development.”

Dock

A dock or pier is a landing and moorage facility for watercraft that abuts the shoreline and does not include recreational decks, storage facilities, or other appurtenances.

Downdrift

The direction of movement of beach materials.

Dredge Spoil or Dredge Material

The material removed by dredging.

Dredging

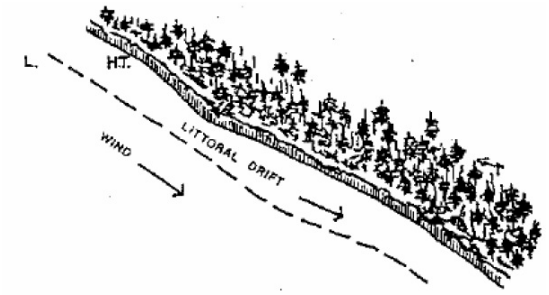
The removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body and associated wetlands.

Drift cell

Drift cell is a term used to describe a geographic unit along the shore. Each begins at a sediment source along an eroding shoreline, often at the base of “feeder bluffs”. Sediment is transported within the drift cell by currents and wind-blown waves, finally being deposited at an accretion shore form (e.g., spits, sandbars, accretion beach) marking the end of the drift cell. See “Accretion” and “Feeder Bluff”.

Driftway

The foreshore area that connects a feeder bluff and its accretion from where sand or gravel is deposited by net effect of wave action and longshore drifts.



DRIFTWAY

Dwelling

Any building or portion thereof designed or used primarily for residential occupancy, including single-family dwellings, duplexes, triplexes, fourplexes, and multifamily dwellings, but not including hotels or motels.

Dwelling, multifamily

A building containing five or more dwelling units, including units that are located one over the other.

Dwelling, single-family

In considering shoreline exemptions, single-family dwelling means a structure designed for and occupied exclusively by one family and the household employees of that family (i.e., it does not

include duplex, triplex, or fourplex).

Ecological Functions

"Ecological functions" or "shoreline functions" means 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. See WAC 173-26-200 (2)(c).

The beneficial roles served by ecological functions include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, educational opportunities, and recreation.

These beneficial roles are not listed in order of priority. Functions can be used to help set targets (species composition, structure, etc.) for managed areas, including mitigation sites.

Economic Development

A development that provides a service, produces a good, retails a commodity, or engages in any other use of activity for the purpose of making financial gain.

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.

Eligible Buildings

For the purposes of the Port Townsend Shoreline Master Program, "eligible buildings" refers to the following buildings in the Point Hudson Shoreline Designation that are allowed to have adaptive uses in a portion of the building:

Hospital

Main Building

Shower Building

Emergency

An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27- 040(2d)). See also "Substantial Development".

Enhancement

Enhancement means an action approved by the Shoreline Administrator and taken with the intention and probable effect of improving the condition and function of a shoreline area, such as improving environmental functions in an existing, viable, shoreline habitat by means of increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, or removing nonindigenous plant and/or animal species.

Or -Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Environmental Impacts

The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-444)

Environment(s) (Shoreline Environment(s))

Designations given specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of local citizenry, as part of a Master Program.

Erosion

The group of natural processes including weathering, dissolution, abrasion, corrosion, and transporting by which earthy or rocky material is removed from any part of the earth's surface.

Esplanade

A level stretch of ground, especially a public walk or walkway.

Estuary

That portion of a coastal stream influenced by the tide of marine waters into where it flows and where the seawater is diluted with fresh water derived from land drainage.

Exempt Development

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

Extreme Low Tide

The lowest line of the land reached by a receding tide.

Fair Market Value

"Fair market value" of a development is 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

Pursuant to the Shoreline Guidelines (WAC 173-26), feasible means that an action, such as a development project, mitigation, or preservation requirement, 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 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

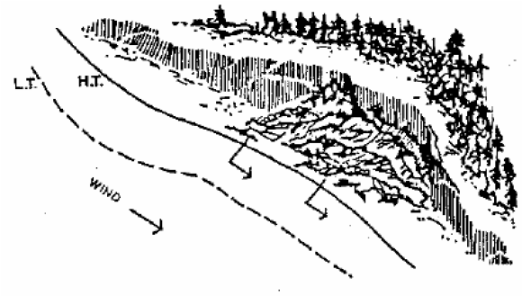
(c) The action does not physically preclude achieving the project's primary intended legal use.

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

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Feeder Bluff

A shore or sea bluff whose eroding material is transported by longshore drift and provides the building blocks and nourishment for spits, bars, hooks, and other accretion shore forms.



FEEDER BLUFF

First Class Tidelands

The beds and shores of navigable tidal waters lying within or in front of the corporate limits of any city, or within one mile thereof, upon either side and between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of

ordinary high tide and the line of extreme low tide.

Float

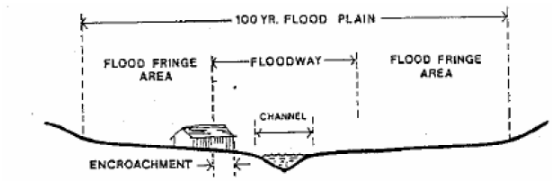
A floating structure, not connected to the shoreline, that is moored, anchored, or otherwise secured in the water that is not connected to the shoreline.

Flood Control

Any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

Floodplain

A term synonymous with the hundred-year floodplain, meaning that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Shoreline Management Act.



FLOOD PLAIN

Functions and Values (see "Ecological Functions")

15.4 Definitions: G to O
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.

Geomorphology

The science dealing with the relief features of the earth and the processes influencing their formation.

GMA

Growth Management Act – Washington State House Bill 2929 adopted in 1990 and amendments thereto. Codified largely within Chapter 36.70A RCW.

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.

Grassy Swale

A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Groin

A barrier-type structure extending from the backshore or stream bank into a water body. The purpose of a groin is to interrupt sediment movement along the shore. A groin is also referred to as a rock weir.

Habitat

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

Harbor Area

The area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Hearing Examiner (Land Use)

The Hearing Examiner of the City of Port Townsend.

Hearings Board

The state shorelines hearings board established by the Act.

Height, Building

Please refer to the Port Townsend Municipal Code Chapter17.08]

Historic

Having considerable importance or influence in history; historical.

HPA - Hydraulic Project Approval.

The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Hydraulic Continuity

Hydric Soil

Hydric soil means soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s), thereby influencing the growth of plants.

Hydrophytes

Plants capable of growing in water or on a substrate that is al least periodically deficient in oxygen as a result of excessive water content. See also Marshes, Bogs, and Swamps

Industry

The production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

Inner Harbor Line

A line located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area.

In-kind Replacement

To replace wetlands, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

Jetty

A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. On the Pacific Coast, most jetties are of rip-rapped, mound construction.

Lake

A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream (RCW 90.58.030(1d); WAC 173-22-030(9)).

Landfill

The creation of or addition to a dry upland area by depositing material into waters or onto shorelines or wet land areas.

Landscaping

Vegetative ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

LID, Low-Impact Development

Low impact development is a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

Littoral Drift

The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves

and currents.

Marina

A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial water craft.

Marine Bluff

Steep slopes formed and maintained by marine wave action. Marine bluffs include those marine bluffs that have been modified by bulkheads or railroads (e.g., along Larry Scott Memorial Trail).

Excluded from this definition are steep slopes that have been significantly removed from wave action due to the evolution of spits, lagoons, and protected marshes (e.g., bluffs along Washington Street downtown and above the campground at Fort Worden) or due to intervening, legal non-conforming development that eliminates wave action (e.g., bluffs behind Water Street between the Washington State Ferry terminal and Kearny Street).

Marshes, Bogs, and Swamps

As defined in WAC 17-22-030(5), "marshes, bogs, and swamps" are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purposes of this definition, these areas must have one or more of the following attributes:

a) At least periodically, the land supports predominantly hydrophytes; and/or

b) The substrate is predominantly undrained hydric soils. Hydrophytes include those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydric soils include those soils that are wet enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

Master Program

The comprehensive management plan for a described shoreline and water surface area and the use regulation together with maps, diagrams, charts, or other descriptive material and text; a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020 and its guidelines under WAC 173-14 and 173-16, as amended.

Mining

The removal of naturally occurring rock, sand, gravel, and minerals from the earth.

Mitigation or Mitigation Sequencing

The process necessary to avoid, minimize or reduce, or compensate for the environmental impact(s) of a proposal (see WAC 197-11-768 and WAC 173-26-020 (30)). Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection 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 and taking appropriate corrective measures.

Mixed-use Development

Mixed-use developments are projects that include water-dependent uses combined with water-related uses, water-enjoyment uses and/or non-water-oriented uses. Mixed-use developments can be a tool for increased water-dependent activities, civic revitalization, and public access to the shoreline. To encourage mixed-use projects that achieve a public benefit, special provisions can be included in a master program that offer a potential developer incentives or more latitude than normal master program requirements. In return, the developer's proposal must include elements that further the objectives of he Shoreline Management Act and benefit the public. Implicit in the concept of mixed-use provisions is that additional development incentives must be justified by increased and long-term public benefit resulting from the project and that the public benefit must relate to SMA objectives. Generally in mixed-use projects the water-oriented uses and non-revenue recreation uses are "subsidized" by the economic advantages of the other uses in the sense that the water- oriented uses could not be economically developed without support from viable water-enjoyment or non-water-oriented uses.

Moorage

Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a dock or buoy).

Moorage Piles

Structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

Mooring Buoy

A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

Multiple-Use

The combining of compatible uses within one development.

Native Plants or Native Vegetation

Plant species that are indigenous to the Olympic Peninsula.

Natural

A shoreline possessing unique or fragile features, whether natural or cultural, that are totally or essentially unaltered from their natural state or are relatively intolerant of human use other than for passive historical, cultural, scientific, archaeological, or educational activity.

Natural or Existing Topography

The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Navigable Waters

Those waters lying waterward of and below the line of navigability on lakes not subject to tidal flow, or extreme low tide mark in navigable tidal waters, or the outer harbor line where harbor area has been created.

Non-conforming Use or Development

A shoreline use or structure or portion thereof which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or local shoreline master program provision, or amendments, but no longer conforms to the policies and regulations of this Master Program.

Non-water-oriented Use

A use that has little or no relationship to the shoreline and is not considered a priority use under the Shoreline Management Act. All uses which do not meet the definition of water-dependent, water-related, or water-enjoyment are classified as non-water-oriented uses. Examples of non-water-oriented uses include professional offices, general retail or commercial uses, residential development, and mini- storage facilities.

Normal Maintenance

Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b)). See also “Normal Repair”.

Normal Protective Bulkhead

A bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land (WAC 173-27-040(2c).

Normal Repair

Activities that restore the character, size or scope of a project only to the previously authorized condition within a reasonable period after decay or partial destruction, excepting that repair involving total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment shall not be construed as normal repair (WAC 173-27-040(2b) See also “Normal Maintenance”.

Noxious Weed

Any plant that is invasive, such as Himalayan blackberries, Scotch broom, Spartina, and listed on the state noxious weed list in Chapter 16-750 WAC.

NWMC – Northwest Maritime Center

Offshore

The sloping subtidal area seaward from the low tideland.

Offshore Moorage Device

An offshore device anchored or otherwise attached to the sea bottom used to moor water craft.

Off-site Compensation

To compensate for lost or degraded wetlands or other shoreline environmental resources by creating or restoring these areas on lands other than the site on which the impacts were located

OHWM (Ordinary High Water Mark)

On-site Compensation

To compensate for lost or degraded wetlands or other shoreline environmental resources by creating or restoring these areas at or adjacent to the site on which the impact were located.

Out-of-kind compensation

To compensate for lost or degraded wetlands or other shoreline environmental resources by creating substitute habitat whose characteristics do not closely approximate those lost or degraded by a development activity.

One-hundred-year Flood

The maximum flood expected to occur during a one-hundred-year period.

Open Space

A land area allowing view, use or passage that is almost entirely unobstructed by buildings, paved areas, or other man-made structures.

Ordinary High Water Mark (often abbreviated OHWM)

That mark on all lakes, streams, and tidal waters 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 or as it may naturally change thereafter; or as it may change thereafter in accordance with permits issued by the local government or the Washington State 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 fresh water shall be the line of mean high water.

Outer Harbor Line

A line located and established in navigable waters as provided in Section 1 of Article 15 of the Washington State Constitution, beyond which the state shall never sell or lease any rights whatsoever.

Over-water Structure

Any device or structure located waterward of the ordinary high water mark, including, but not limited to piers, docks, floats, and moorage or anchor buoys and buildings constructed on piers or perimeter rock foundations (e.g. Cannery, City Dock, Admiralty Apartments).

Existing legally established buildings constructed on fill or on a continuous concrete foundation that are located waterward of what would otherwise be the OHWM (e.g. Duncan-Kellog building, Waterman Katz, C.C. Bartlett Building, Hastings Building are not considered over water structures under this Master Program.

15.5 Definitions: P to R
Parking Space or Parking Stall

Areas providing for the storage of motor vehicles, including vista- parking facilities. Excepting however, that this definition shall not apply to vehicle holding areas necessary to support a publicly operated ferry system.

Performance Standard

Regulations, which include bulk and dimensional standards that are applied to the design and function of a development or use.

Permit (or Shoreline Permit)

Any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act (WAC 173-27-030(13)).

Person

An individual, firm, partnership, corporation, association, organization, agency, or any non-federal entity however designated.

Pier

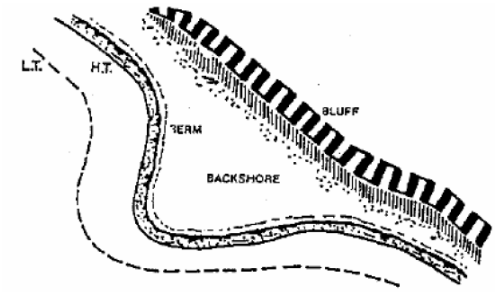
A fixed, pile-supported structure.

Pocket Beach

In this Master Program, pocket beach refers to an isolated accretion beach bordered by shoreline modifications.

Point

A low profile beach promontory, generally of triangular shape whose apex extends seaward.



POINT

Point Hudson Station Buildings

Buildings in the Point Hudson Marina district dating from the 1930's when Point Hudson was used as a federal quarantine station or from the 1940's when Point Hudson served as a Coast Guard station and U.S. Army training base.

Pollutant

Any substance that has been or may be determined to cause or tend to cause injurious, corrupt, impure, or unclean conditions when discharged to surface water, air, ground, sanitary sewer system, or storm drainage system.

Port

A center for water-borne commerce and traffic.

Practicable Alternative

An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, existing technology, options of project scale and phasing, and logistics in light of overall project purposes, and having less impacts to environmentally sensitive areas. It may include using an area not owned by the applicant that can reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed development.

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;
- Refuge 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, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority 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.

(a) 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.

(b) 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.

(c) 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.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Priority Use

The Shoreline Management Act and this Master Program give preference to shoreline uses that are water-dependent or water-related, provide public access and recreational use of the shoreline, as well as other uses which provide an opportunity for substantial numbers of people to enjoy the shoreline and to single-family residences (See RCW 90.58.020)

Proposed, Threatened and Endangered (PTE) Species

Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Public Access

A means of physical approach to and along the shoreline available to the general public. This may also include visual approach. Provision of public access is a not for profit activity.

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.

[WAC 173-27-030(14)]

Public Use

Public use means to be made available daily to the general public on a first-come, fist-served basis, and may not be leased to private parties on any more than a day use basis. (WAC 332-30-106)

RCW

Revised Code of Washington.

Recreational Facilities

Facilities such as parks, trails and pathways, campgrounds, and swim rafts that provide a means for relaxation, play, or amusement. For the purposes of this Master Program, recreational uses are divided into two categories:

1. Water-dependent (e.g., boating facilities, fishing pier, swim rafts) and

2. Non-water-dependent. Non water-dependent recreational uses are further divided into three subcategories based on their relative impact to the shoreline environment:

a. High Intensity recreational uses require substantial development/ land modification or large areas of fertilized lawn. Such uses may include but are not limited to camp grounds, sport courts (e.g., tennis/basketball), golf course, sport fields (e.g., ball park), aquatic center, skateboard park.

b. Moderate Intensity recreational uses are typified by formal parks for passive recreation (e.g., Chetzamoka and Pope Marine Parks) requiring some modification of natural conditions, limited paving and often including accessory structures (e.g., picnic shelters, restrooms, viewing galleries, gazebos, playground equipment.

c. Low intensity recreational uses are passive in nature (e.g., walking, photography, wildlife viewing) and require very minimal alteration of natural conditions. Such uses/modifications may include but are not limited to non-motorized trails, vista points, wildlife viewing areas, picnic tables and benches.

Recycling Facilities

Recycling facility means a facility for the collection and/or sorting and storage of recyclable materials generated from domestic or small business sources, such as bottles, cans, paper, cardboard, aluminum, and plastics. This definition does not include facilities for the processing of recyclable materials, which are classified as a manufacturing use. Recycling facilities are further divided into two categories:

A. Major recycling facilities include facilities primarily dedicated to the collection, sorting, or purchase and resale of recyclable materials.

B. “Minor recycling facilities include bins or other temporary or permanent facilities for the collection of small quantities of recyclable materials to be sorted and/or processed elsewhere. A minor facility may be accessory to a primary use, such as a recycling bin at a grocery store parking lot.

Remodel, minor –

A minor remodel neither changes an existing foundation line (i.e., no site alterations) nor increases the existing square footage of a structure by more than 25%;

Repair (See Normal Repair) Residence (See Dwelling)

Residential Development

The development of land and/or construction or erection of dwelling units for the purpose of residential occupancy, but not including occupancy of a transient nature such as in hotels, motels, or time- sharing condominium uses.

Restaurant

An establishment where food and drink are prepared, served and consumed primarily within the

principal building. Restaurants may qualify as a water-enjoyment use when located, designed and operated to assure the public's ability to interact with the shoreline. Water-enjoyment design elements may include the incorporation of outdoor seating areas that are compatible with shoreline public access. Drive-thru restaurants are not considered water-enjoyment uses and are prohibited in the shoreline designation.

Restore, restoration or ecological restoration

Means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 173-26-020(27)).

Restoration of ecological functions and values, above and beyond that which may be required as mitigation for project impacts, are considered a water-dependent use under this master program.

Retrieval Lines

A system by which a float or other floating object is retrieved to a pier, dock, or shoreland.

Revegetation

The planting of vegetation to cover any land areas that have been disturbed during construction. This vegetation shall be maintained to insure its survival and shall be consistent with planting requirements of the Port Townsend Landscape Code.

Revetment

A revetment is a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against currents and wave action. Revetments are most commonly built of randomly placed boulders (riprap) but may also be built of sand cement bags, paving, or building blocks, gabions (rock filled wire baskets) or other systems and materials. The principal features of a revetment, regardless of type is a heavy armor layer, a filter layer, and toe protection. See also "bulkheads."

Riprap

A layer, facing, or protective mound of stone placed on shoulders, slopes, or other such places to protect them from erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Rock Weir

A structure made of loose rock that is designed to control sediment movement, water flow, or both. A rock weir adjacent to a shoreline is typically formed by placing rock in a line outward from the shore, with the top of the rock embankment below the water level to restrict current movements parallel to the shore without completely blocking flow.

Runoff

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

15.6 Definitions S to T

Sediment

The fine-grained material deposited by water or wind.

SEPA

See State Environmental Policy Act.

SEPA Checklist

A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

Scientific, Cultural and Educational Facilities

Those sites, structures, or facilities that provide unique insight into our natural and cultural heritage.

Sea wall

A bulkhead, except its primary purpose is to artificially armor the shore from erosion by water waves and it may incidentally retain uplands or fills. Sea walls are usually more massive than bulkheads or revetments because they are designed to resist the full force of waves.

Second Class Shoreland

Land bordering on the shore of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side.

Second Class Tideland

Land over which the tide ebbs and flows outside and more than two miles from the corporate limits of any city from the line of ordinary high tide to the line of extreme low tide.

Setbacks

“Setback (yard requirements)” means the distance between a building and its lot lines. Setbacks shall be measured, where applicable, from building lines to the proposed or actual public or private street right- of-way lines.

Shoreline Environment Setbacks – the distance between a building or use and the ordinary-high water-mark (OHWM) as established for each specific environmental designation under Chapter 5of this Master Program.

Shall

"Shall," indicates a mandate; the particular action must be done.

Shore Defense Works

Structures or modifications for the purpose of retarding shore erosion from waves or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, preventing stream bank overflow, and retaining uplands. They may consist of bulkheads, seawall, dikes, revetments, breakwaters, jetties, groins, or gabions. Defense works are commonly constructed from quarry rock (rip-rap), treated wood, concrete, steel, and sand and gravel.

Shoreland Areas or Shorelands

Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark, including all wetlands associated with the shoreline which are subject to the provisions of this chapter; the same to be designated as to location by the Washington Department of Ecology.

Shoreline Administrator

See Administrator.

Shoreline Environment(s)

See Environment

Shoreline Management Act of 1971

A law passed by the Washington State Legislature in 1971 and ratified by the voters in 1972 (reference RCW 90.58).

Shoreline Permit

A permit to conduct a development or use as defined by RCW 90.58 and this Master Program. A shoreline permit means any form of permission required under RCW 90.58 prior to undertaking activity on shorelines of the state, including substantial development, conditional use or variance permits.

Shoreline Setback Line

Unless otherwise indicated within this Master Program, the line which establishes the limits of all buildings, structures and fencing along the shoreline. Setback lines are based upon land use patterns while setbacks associated with buffers are intended to protect critical areas (See “buffer areas”).

Shoreline setbacks are measured perpendicularly from the ordinary high water mark (OHWM) to the wall of the structure (s); PROVIDED that where a structure has not wall, the setback is measured to the post(s) or, if the structure has no posts, a point that is two (2) feet under the roof overhang measured from the drip line of the roof.

Shorelines

All the water area of Port Townsend, including reservoirs and their associated wetlands, together with lands underlying them, except:

a. Shorelines of statewide significance.

b. Shorelines or segments 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 segments.

c. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines Hearings Board

A state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on DOE approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-27-220 and 173-27-290.

Shorelines of the State

The total of all shorelines and shorelines of statewide significance.

Shorelines of Statewide Significance

A shoreline of the state with respect to the City of Port Townsend as identified as follows: Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide.

Sign

Any visual communication device, structure, placard or fixture that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. For the purpose of this chapter, a sign is not considered to be building or structural design, but is restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

However, a sign shall not include the following:

a. Official notices authorized by a court, public body or public officer.

b. Direction, warning, or information sign authorized by federal, state, or municipal authority.

c. The official flag, emblem, or insignia of a government, school or religious group or agency.

d. A memorial plaque or tablet, or cornerstones indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible part of the building or structure. (See also “Advertising.”)

Single-family dwelling – see "Dwelling, single-family"

SMA

See Shoreline Management Act.

Soil Bioengineering

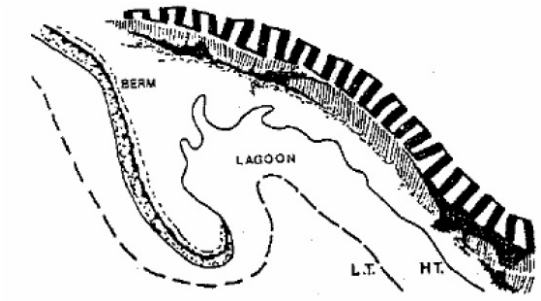
An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

Solid Waste

Solid waste includes all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material or agricultural or other commercial logging wastes not specifically listed above.

Spit

A narrow point of land extending into a body of water.



SPIT

State Environmental Policy Act (SEPA)

SEPA requires state agencies, local governments and other lead agencies to consider environmental impacts when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Stream

A body of running water; especially such a body moving over the earth's surface in a channel or bed, as a brook, rivulet, or river.

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 on, above, or below the surface of the ground or water, except for vessels.

Substantial Development

Any development that:

a. The total cost or fair market value exceeds $5,000; or

b. Materially interferes with the normal public use of the water or shorelines of the state except as specifically exempted pursuant to Section 2.4, Uses Not Constituting Development and Exemptions from Substantial Development Permit Requirements.

Swamp

A lowland region saturated with water [ref. WAC 173-22].

Temporary building or structure

A building or structure not having or requiring permanent attachment to the ground or to other structures.

Temporary use

A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Top of Slope

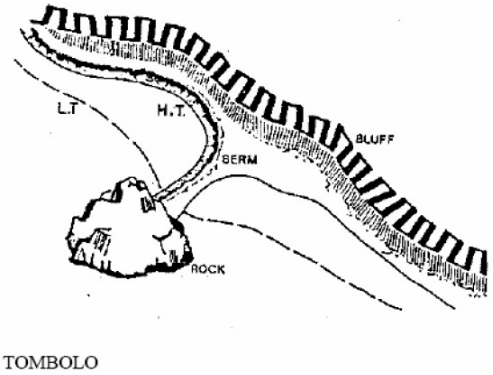
The top of slope is a distinct, topographical break in slope that separates slopes inclined at less than forty percent (40%) from slopes forty percent (40%) or steeper. When no distinct break exists, the top of slope is the upper most limits of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

Toe of Slope

The toe of slope is a distinct topographical break in slope that separates slopes inclined at less than forty percent (40%) from slopes forty percent (40%) or steeper. When no distinct break exists, the toe of slope of a steep slope is the lowermost limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

Tombolo

A causeway-like accretion spit connecting an offshore rock or island with the main shore.



TOMBOLO

Truck Maneuvering Area

An area of a site used by trucks for turning and backing or for access to loading/unloading areas.

15.7 Definitions: U to Z

Upland

The area above and landward of the ordinary high water mark.

Use or Use Activity

The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance or operation of such activity with respect to the provision of this title. The definition of "use" also includes the definition of "development."

Utility

A service or facility that produces, transmits, stores, processes, or disposes of electrical power, gas, water, sewage, communications, oil, and the like Utilities have been categorized in this master program as primary, accessory, and personal wireless facilities:

a) Primary utilities are services and facilities that produce, transmit, carry, store, process or dispose of power, gas, water, sewage, communications (excepting wireless facilities, see below), oil and the like. For example: sewage treatment plants and outfalls, public high-tension utility lines, power generating or transfer stations, gas distribution lines and storage facilities.

b) Accessory utilities are small-scale distribution services directly serving a permitted shoreline use. For example, power, telephone, cable, communication antennas, water, sewer lines, including stormwater systems.

c) Personal wireless facilities meaning any unstaffed facility for the transmission and/or reception of personal wireless services. This can consist of an equipment shelter or cabinet, a support structure or existing structure used to achieve the necessary elevation, and the antenna or antenna array.

Variance

A means of granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program to a particular piece of property, which property, because of special circumstances is deprived of privileges commonly enjoyed by other properties in the same vicinity and environmental designation, and not a means to vary from the permitted uses of a shoreline. Reasonable use exceptions authorized by Chapter 19.05, in shorelines of the state also require approval of a shorelines variance.

Vegetation Removal

The removal or alteration of trees, shrubs, and/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 or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Vegetation Stabilization

Planting of water-loving land vegetation upon shoreline banks, slopes, or berms to retain soil and retard erosion from surface run-off; planting of aquatic vegetation offshore to reduce wave action and retain bottom materials; and utilizing temporary structures or netting to enable plants to establish in unstable areas.

Vessel

Ship, boat, barge, or any other floating craft that is designed and used for navigation and does not interfere with the normal public use of the water.

Waste Disposal

Refuse composed of garbage, rubbish, ashes, dead animals, demolition wastes, automobile parts, and similar material.

Water-dependent Use

A use or a portion of a use, which, as its primary characteristic, cannot exist in any other location than on the water because it is dependent on the water by the intrinsic nature of its operations. Examples of a water-dependent uses include marinas, docks that support marinas, on- the-water recreational programs or small vessels that require in-water moorage, hand-launch or small boat launch sites, ferry and passenger ship terminals, ship or boat building areas, associated haul out facilities and dry docking, float plane facilities and sewer facilities.

Activities and development undertaken for the purpose of restoring ecological functions and values, or enhancing shoreline habitat are also considered water-dependent under this Master Program.

Water-enjoyment Use

A shoreline recreational use such as a park, pier, or other use that facilitates public access to the shoreline as a primary character of the use; or, a use that provides for passive/active recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general

character of the use and which, through location, design and operation assure the public's ability to enjoy the physical and/or aesthetic qualities of the shoreline.

In order to qualify as a water-enjoyment use, the use must be open to the public and most if not all of the shoreline oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment.

Water-enjoyment uses may include, but are not limited to, shoreline parks, public access piers or other improvements (e.g., walkways or boardwalks) facilitating public access to the shorelines of the state or that foster the public's awareness and understanding of the shorelines of the state (e.g., shoreline or maritime-related museums, and scientific/ecological reserves).

Other uses, including mixed-use developments, may qualify as water- enjoyment uses if they include a mix of more than one of the general water-enjoyment uses designed to take advantage of a waterfront location, protect views of the water, enhance pedestrian traffic, and display and sell merchandise oriented to marine uses or other office and research functions contributing to marine activities. Examples may include those uses listed in the following table:

WATER-ENJOYMENT USES
Ecological and Scientific Reserves
Waterfront Parks
Beaches for Public Use
Aquariums Available to the Public
Museums - Marine Oriented or Natural History
Museums
Restaurants
Retail businesses housed in mixed use projects designed to take advantage of a waterfront location, protect views of the water and enhance pedestrian traffic, and which display and sell merchandise oriented to marine uses, including but not limited to: a. Fishing tackle b. Marine maps, books, magazines, catalogs c. Marine oriented provisions and clothing

Water-oriented Use

A use or a portion of a use which is either a water-dependent, water- related, or water-enjoyment use, or any combination thereof. All uses which do not meet the definition of water-dependent, water-related, or water-enjoyment are classified as non-water-oriented uses.

Water-related Use

A use or portion of a use that is not intrinsically dependent on a waterfront location, but whose operation cannot occur economically without a shoreline location. Water-related uses contribute to the marine trades, maritime educational uses or maritime heritage uses or activities of a particular

shoreline designation because of the following:

a. A functional requirement for a waterfront location, such as the arrival or shipment of materials by water (e.g., fish processors), or the ability to work on boats that are moored in a marina (e.g., sail lofts, riggers, boat repair) or;

b. The use provides a necessary service supportive of the water-dependent, water-related commercial activities and the proximity of the use to its customers and marine trades businesses makes its services less expensive and more convenient. Examples include marine chandleries or marine hardware stores, boat shops, marine electrical services, marine metal work or fabrication, or manufacturers of boat parts or supplies that are necessary for a viable marine trades economy; or

c. The use provides marine-related services necessary to serve in- water marinas and on-land boatyards that provide a cluster of marine-related businesses that derive an economic benefit from close proximity to one another. Examples include boat dealers and brokers, marine surveyors and marine architects, moorage offices, shower and laundromat facilities for moorage guests, and specialized professional services to support the marine trades; or

d. The use provides maritime educational or maritime heritage activities that strengthen the city's marine trades businesses by providing a cluster of activities that support water-dependent uses, water-related uses and marine-related services. Examples include yacht or sail club facilities, diving shops with classes and/or rentals, recreational services that promote on-the-water activities (e.g., kayak rentals) and interpretive and educational facilities that provide demonstration areas or classrooms for marine trades or marine-related ecology or educational workshops, seminars or classes (e.g., vocational boat schools or maritime educational centers).

Watershed Restoration Plan

A plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

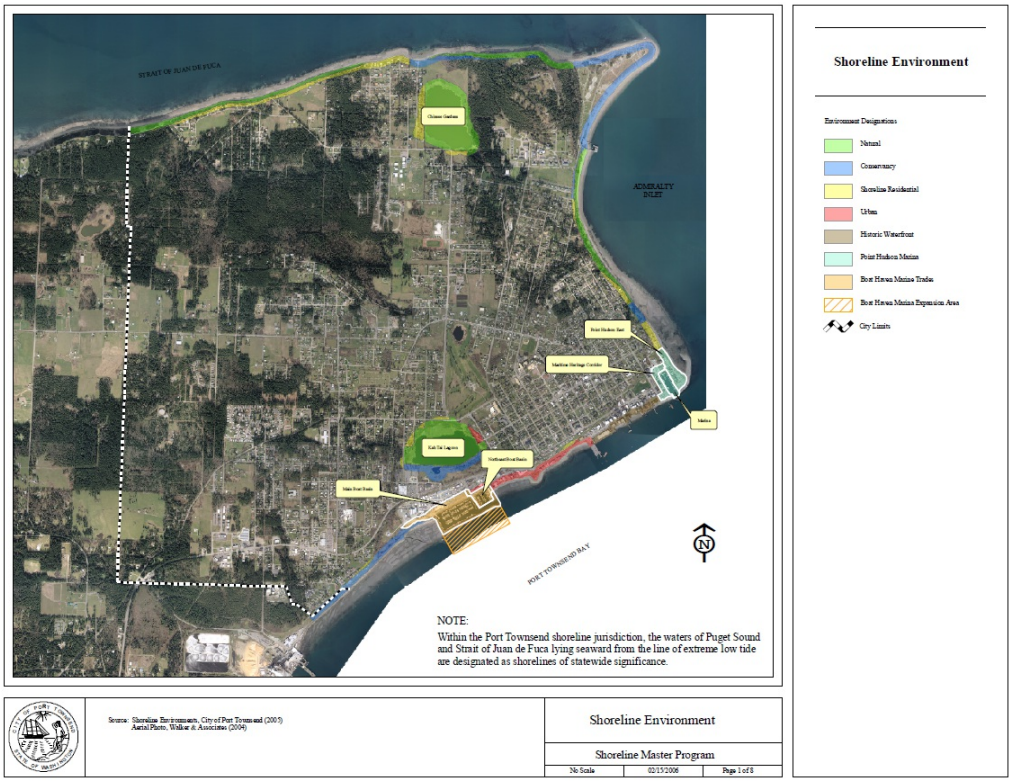
Wetlands or Wetland Areas

Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from 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, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the

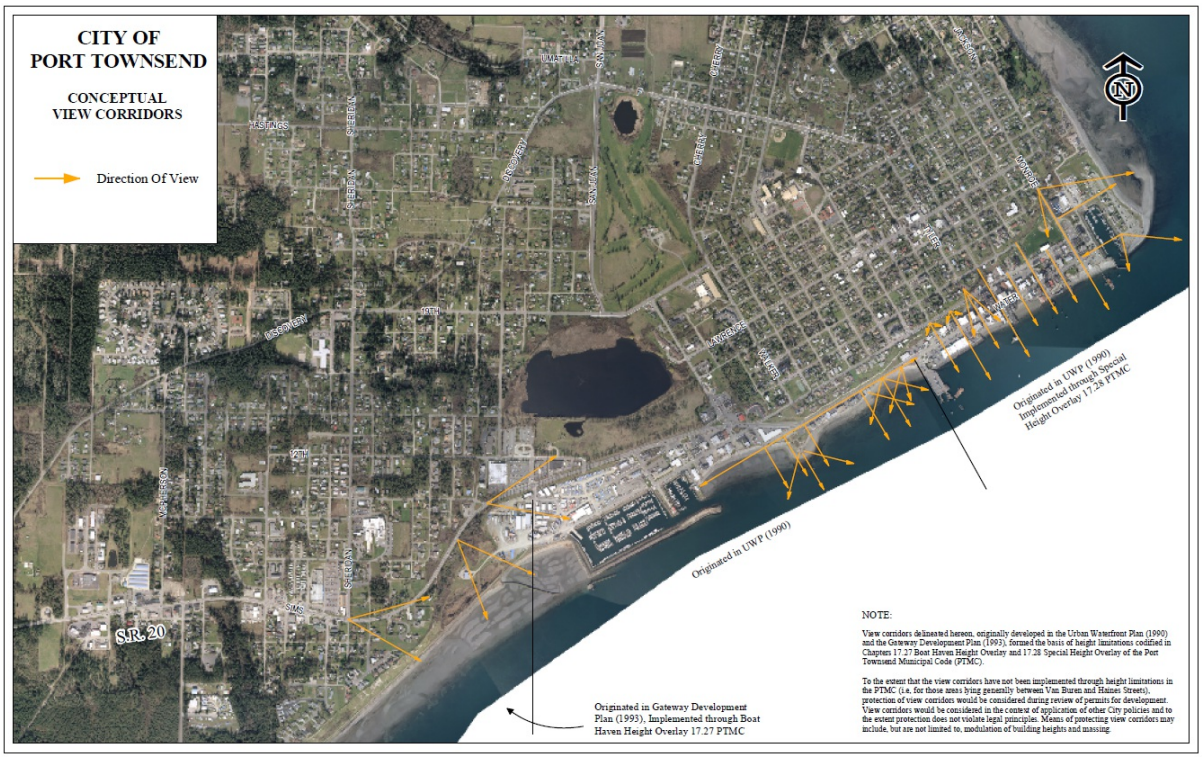
construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands if permitted by the City (RCW 36.70A.030(20)).

Wireless Facilities – See "Utility"

Appendix A
Official Shoreline Environment Designations



Appendix B
View Corridors



Appendix C
Special Height Overlay

Chapter 17.28 Port Townsend Municipal Code

Appendix D
Point Hudson Station Buildings

POINT HUDSON STATION BUILDINGS



Appendix E
Critical Areas Ordinance 3198

As codified in

Chapter 19.05 Port Townsend Municipal Code

Specific CAO provisions (19.05.110 Critical Areas 5 – Wetlands) are modified for application within shoreline jurisdiction as per SMP Section 6.9.

Appendix F
Critical Saltwater Habitats

Kelp beds, eelgrass beds, herring spawning areas, smelt spawning areas and other critical salt water habitats are designated as “critical areas” in WAC 365.190.080(5)(a)(4). The guidelines for classifying critical areas also include commercial and recreational shellfish areas. The Department of Fish and Wildlife has identified the following four critical areas (kelp beds, eelgrass beds, herring spawning areas, smelt spawning areas) and the habitats of several other salt water fish as salt water habitats of special concern. These additional habitats include Pacific sand lance spawning beds, rock sole spawning beds, rockfish settlement and nursery areas and lingcod settlement and nursery areas.

Critical salt water habitats are:

a. Kelp beds, which are members of the brown algal family Laminariales, including:

- *Alaria marginata*
- *Alaria nana*
- *Alaria tenuifolia*
- *Egregia menziesii*
- *Eisenia arborea*
- *Pterygophora californica*
- *Agarum cribosum*
- *Agarum fimbriatum*
- *Costaria costata*
- *Cymathere triplicata*
- *Hedophyllum sessile*
- *Laminaria spp.*
- *Pleurophycus gardneri*
- *Dictyoneuropsis reticulata*
- *Dictyoneurum californicum*
- *Lessioniopsis littoralis*
- *Macrocystis integrifolia*
- *Nereocystis luetkeana* and,
- *Postelsia palmaformis*

Kelp beds are found in marine and estuarine intertidal and subtidal areas with a depth of up to 15 meters below mean lower low water (MLLW). The beds can be found on various bottom materials including rocks, boulders, mixed-fines (mixed sand and mud with little gravel), mixed coarse (mixed cobbles, gravel, shell and sand) and cobble.

b. Eelgrass beds (*Zostera spp*). Eelgrass beds are found in marine and estuarine intertidal and subtidal areas. Zostera marina tends to favor the lower parts of the intertidal areas and Zostera japonica the higher elevations. Zostera spp. are generally found no deeper than 4 meters below mean lower low water (*MLLW*). Zostera spp. beds can be found on muddy bottoms, sandy bottoms as well as mixed-fine sand bottoms.

c. Surf smelt (*Hypomesus pretiosus*) spawning beds. Surf smelt spawning beds are located in the upper portions of sand or gravel beaches within the intertidal areas.

d. Pacific herring (*Clupea harengus pallasi*) spawning beds. Pacific herring spawning beds include the lower portions of salt water beaches within the intertidal areas, eelgrass beds, kelp beds and other types of salt water vegetation.

e. Pacific sand lance (*Ammodytes hexapterus*) spawning beds. Pacific sand lance spawning beds are located in the upper portions of sand or gravel beaches within the intertidal areas.

f. Rock sole (*Lepidopsetta bilineata*) spawning beds. Rock sole spawning beds are located in the upper and middle portion of sand or gravel beaches within the intertidal areas.

g. Rockfish (*Sebastes spp.*) settlement and nursery areas. Rockfish settlement and nursery areas are located in kelp beds, in eelgrass beds and on other types of salt water vegetation.

h. Lingcod (*Ophiodon elongates*) settlement and nursery areas. Lingcod settlement and nursery areas are located within the intertidal areas and subtidal areas with sand beds, eelgrass, subtidal worm tubes or other bed materials.

i. Shellfish beds. The following shellfish beds are included:

- Pacific oyster (*Crassostrea gigas*)
- Olympia oyster (*Ostrea lurida*)
- Razor clam (*Silqua patula*)
- Native little neck clam (*Protothaca staminea*)
- Manila clam (*Venerupis japonica*)
- Butter clam (*Saxidomus giganteus*)
- Geoduck (*Panope generosa*)

- Horse clam (*Scizothaerus nuttalli, Scizothaerus capax*)
- Cockle (*Clinocardium nuttalli*)
- Macoma (*Macoma spp.*)
- Eastern soft shell clam (*Mya arenaria*)

j. Commercial and recreational shellfish beds, mud flats, and intertidal habitats with vascular plants.

For Updates

Information on priority species and habitats, species of concern and federally listed marine species can be accessed at the following web sites.

- http://www.wa.gov/wdfw/wlm/diversty/soc/concern.htm
- http://www.wa.gov/wdfw/hab/phspage.htm
- Puget Sound Chinook - http://www.nwfsc.noaa.gov/pubs/tm/tm35/index.htm.
- Hood Canal Summer chum - http://www.nwfsc.noaa.gov/pubs/tm/tm35/index.htm and http://www.wa.gov/wdfw/fish/chum/chum.htm.
- Federally protected marine fishes, plants, invertebrates and marine mammals - http://www.nmfs.noaa.gov/prot_res/prot_res.html.
- http://www.wa.gov/wdfw/wlm/diversty/soc/endanger.htm
- http://www.wa.gov/wdfw/wlm/diversty/soc/soc.htm
- http://www.wa.gov/wdfw/fish/forage/forage.htm

Appendix G
Public Access Enhancement Projects

Introduction

This appendix includes shoreline enhancement projects that were identified in earlier documents. These are potential public projects, meant to enhance the shoreline or access to the shoreline. The Waterwalk and the Jackson Bequest below were initially included in the Urban Waterfront Plan of 1990. The others were all identified in the Comprehensive Public Access Plan in 1992.

The Waterwalk

The Waterwalk will be a coordinated system of connected pathways, sidewalks, passageways between buildings, and shoreline access points that increases the amount and diversity of opportunities for walking and chances for personal discoveries along the Port Townsend Urban Waterfront. It will provide the public better access along the waterfront while respecting the rights of private property owners.

In keeping with the special character of Port Townsend, the Waterwalk does not propose any formal boardwalks or promenades, except along the Boat Haven's Marina. Benefiting from both a magnificent natural setting, and a rich and historic built environment, there is no need to introduce over-water access for visitors and residents through structures, contrived activities or grand architectural statements. Rather, the Waterwalk celebrates the existing special qualities along the waterfront by coordinating what's there with modest access improvements. Pedestrian linkages, would take advantage of the many existing and informal pathways and public access points, by connecting them in a coordinated Waterwalk system. Signage should be minimized: the trail should be marked with brass medallions inlaid in the sidewalk and pathways where appropriate; otherwise, the Waterwalk would meander along the shoreline according to individual desires.

Description

Ideally, the Waterwalk should begin by connecting with the proposed Olympic Discovery Trail at the southern end of the Port's property. From there the Waterwalk would follow the abandoned railroad right-of-way and link up to the Port's walkway along the marina, and would offer a spur trail off to the railroad "Y" or out to Sims Way and the Gateway bike/pedestrian trail. The Waterwalk would continue along Washington Street throughout the Boat Haven District and would incorporate shoreline access points by the Aladdin Inn or Decatur street-end, or until either route connects with the Kearney Street access and view point.

From the Kearney Street access point, pedestrian access should continue along the shoreline around Indian Point and back to Water Street, where a designated pedestrian path, separated from cars by landscaping, continues along the Bluff Narrows via Water

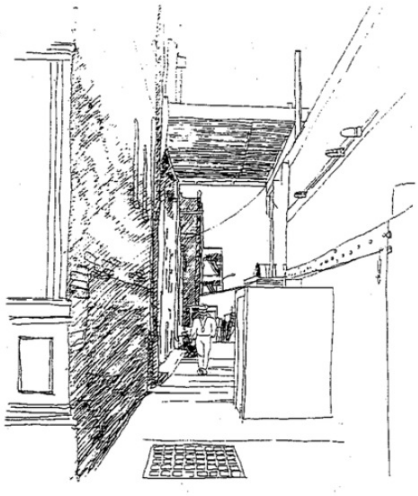
Street to the Ferry Terminal, or by using public stairs to walk along the beach just north of the Bayview Restaurant.

Acknowledging that many visitors and residents come to Port Townsend via the State Ferry, the ferry terminal trail head would serve as a pedestrian or bicyclist starting point, terminus, or rest stop. From the terminal, a ramp or bridge is constructed to provide access down the waterside of

the US Bank and the Port Townsend Plaza. Access continues along the alley behind the Plaza, where access points along the rip-rap extend to the water. The Waterwalk continues to the Flagship Landing Park and returns to Water Street.

The Waterwalk would then continue up Water Street to the north, and offer its users various points to explore street ends, passageways between buildings, shops, and other items of interest before coming to the Adams Street-end park. Once again, the Waterwalk jogs back to Water Street and links to Quincy Street and the Jackson Bequest area.

The Jackson Bequest-City Dock area is the catalyst for enhancing community public space and pedestrian access. Passengers will disembark from cruise boats and passenger ferries at the old ferry dock, and people will wander over to City Dock, the Town Common and either down the Historic District or up to the Northwest Maritime Center (the old Thomas Oil site) and out to the Point Hudson area. Direct shoreline access is envisioned from Pope Marine Park, along the Northwest Maritime Center waterfront, around the Point Hudson Marina, and along the shoreline all the way to Point Wilson, depending of course, on the fluctuation of the tides.



Design Guidelines

These design guidelines are supplemental to the policies and regulations of the Shoreline Master Program and should be used as additional guidance when designing and reviewing waterfront public access projects.

In any properties that abut or are adjacent to the shoreline, development plans should incorporate the following guidelines in the design of the development:

1. The Waterwalk and its public access areas should be designed so that those who use it feel comfortable in following the trail, and proceeding at their own pace. It is critical that the trail user feel that they "belong" on it. This can be reinforced by signage, but signage should be keep to a minimum.

2. There should be a physical separation of the public and private spaces so that the public can clearly delineate between the two. This separation can be achieved by adequate space

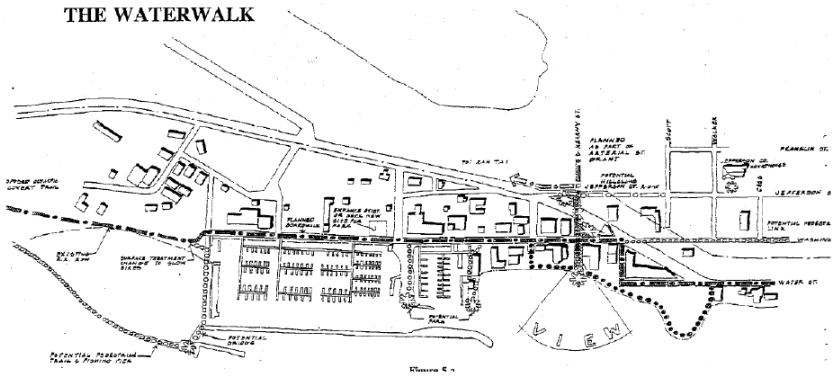
and through screening such as landscaping or appropriate fencing. In many locations on the Waterwalk, the existing elevation difference (topography) between the public trail and adjacent private property can adequately separate public access from private property. (Note that separation of public and private spaces may not be appropriate for commercial uses that are open to the public – see the public access section of the Shoreline Master Program).

3. All public spaces and pathways should be of sufficient size to allow passage regardless of tide levels. In addition, those who use the trail should be able to stop, linger, and contemplate the setting.

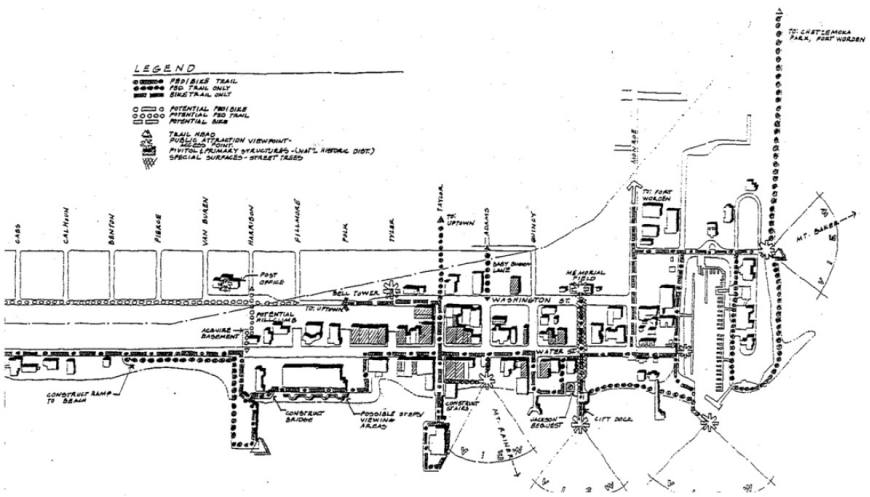
4. Existing pathways should be integrated into the Waterwalk. Future expansion of the Waterwalk should recognize that an integral part of the trail is the concept of a consciously designed "meander".

5. The Waterwalk should be designed in such a way that those who use it feel safe from such things as industrial activities, and infringement on adjacent private property owners.

6. The design of the Waterwalk should consider measures to protect private property from trespass, vandalism, and littering.



Conceptual diagram of the potential location of the Waterwalk. The actual location of trails and paths that contribute to the Waterwalk will depend on future public and private projects.



Conceptual diagram of the potential trails and view corridors. The actual location of trails and paths that contribute to the Waterwalk will depend on future public and private projects.

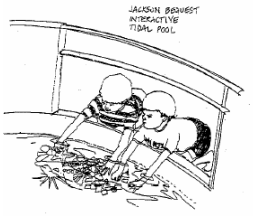
Jackson Bequest

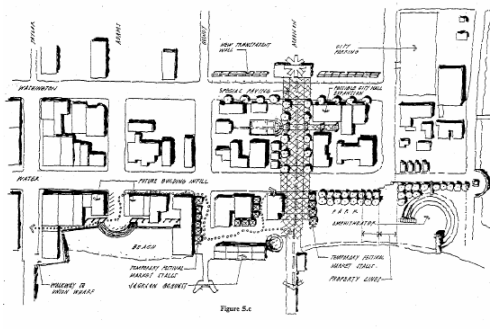
The Jackson Bequest Sculpture is more than a community treasure; it is a source of community debate, of what Port Townsend is, has been, or should be. To some it is an eyesore, to others a gem in the rough. There seems, however, general agreement that the Jackson Bequest Sculpture could use some "polishing of its edges." This Plan suggests a possible concept for the renovation of the Jackson Bequest area. Perhaps, more importantly, it lays out a process and funding opportunities to restore a richness and vitality to one of Port Townsend's cultural jewels.

The City should begin the process by requesting permission from the artist to renovate the Jackson Bequest. In recognition of on-going incremental improvement efforts in the general area of the sculpture by various City agencies, community groups and individual citizens, a Coordinating Committee should be established to guide the planning process. The Coordinating Committee should be composed of representatives, including but not limited to: Friends of City Dock, Parks Commission, Arts Commission, Public Works, Marine Science Center, Planning and Building Department, Main Street, and the Jefferson County Historical Society.

The Coordinating Committee should assist with coordinating the individual improvement projects, such as landscaping, resurfacing of the street area, repair of City Dock, and renovation of the Tidal Park and Wave Watching Gallery. In addition, the committee should be charged with fund-raising, public involvement activities, including a 1/2 day design charrette to develop a concept plan, and presentation to City Council.

The Concept Plan should incorporate informative and "hands on" marine exhibits, accessible to children. The plan should be oriented to activities that are pedestrian in nature, tailored to its proximity by the water, and be compatible with the potential for high visitor use generated by ferries or cruise ship landings. However, the area should be designed as a community public and meeting space, which could also be used to host temporary cultural events or festivals such as the artisan's booths for the Wooden Boat Festival. With proper design and integration of other public improvements, the renovation of the Jackson Bequest could be the catalyst for the ongoing development of the Town Common as a community center and focal point.





City Dock/Madison Street End

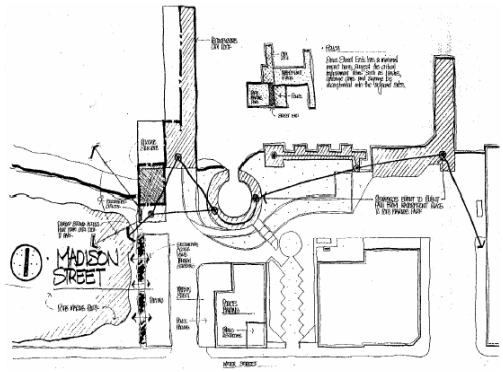
The Madison Street end is located in the center of the civic district within historic downtown Port Townsend. This area is the point of entry for many out of town visitors. Due to the extensive amount of public open space, this area is also often a destination point for community members and visitors. The area has recently been under a great deal of review and plans for access improvements have already been considered in the surrounding areas of Waterfront Place, Pope Marine Park, City Dock, and the Jackson Bequest Tidal Park.

Recommendations:

- One body, such as the Friends of City Dock, should coordinate all of the improvement projects in this area to insure consistency.

- Benches, Recycling Bins and signage should be incorporated into the adjacent public spaces.

- Design should allow movement from event to event (i.e. access to Pope Marine Park from City Dock and Tidal Park to Pope Marine Park etc.)

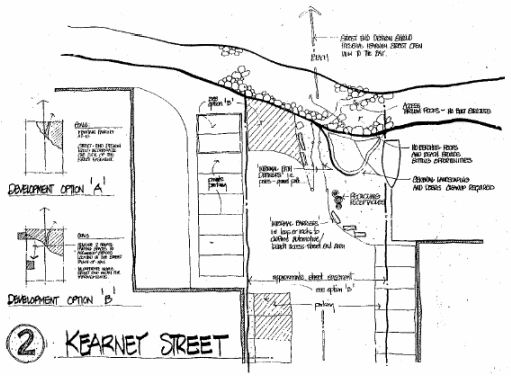


Kearney Street

The Kearney Street end is currently obstructed by logs and debris. Although, a small trail exists to the beach, it is virtually inaccessible to many community members due to the steep grade and numerous obstacles. The street end does not appear to be a public space and consequently it does not serve as a access point for pedestrians. The street end does provide beach access for people who work and live in the area and know of the access point.

Recommendations:

- Debris removal and clean-up of the street end.
- Discuss the possibility of relocating private parking spaces with neighboring property owner to allow a greater use of the street end for public purposes.
- Relocate the beach access trail to the center of the street right-of-way, and define the pathway.
- Provide recycling receptacles.

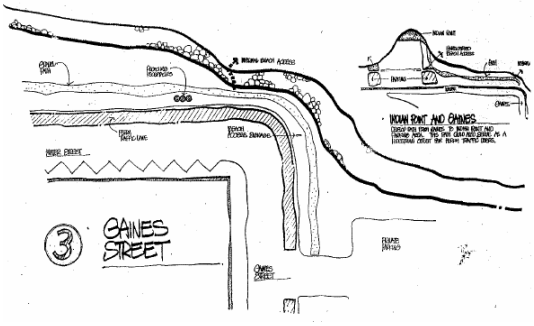


Gaines Street

The Gaines Street end is not a destination point, but it does provide access to the beach. Many folks who access the beach at this point follow the water along to neighboring Indian Point. In the summer months, the Gaines/Water Street area is utilized as a staging area for overflow ferry traffic.

Recommendations:

- Beach access signage.
- Provide an upland gravel path which connects to the proposed improvements to Indian Point.
- Provide a ferry traffic lane, and recycling receptacles.



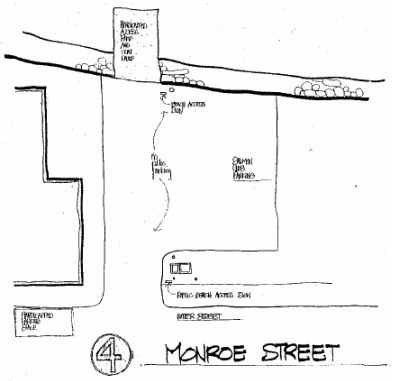
Monroe Street

Monroe Street is bordered by the Northwest Maritime Center (previously the Thomas Oil site) and

the Port Townsend Salmon Club parking area. Although the street is currently an open, public street end, it is primarily used as a public boat launch.

Recommendations:

- Install public beach access signs.
- Provide a handicapped parking space on Water Street.

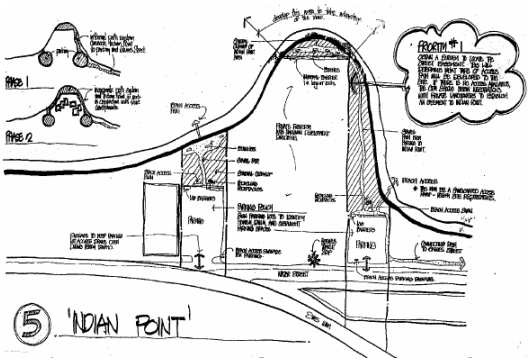


Indian Point

The small area of land often referred to by community members as Indian Point is bordered by Scott, Walker and Front streets. The point provides a prime location for viewing the Olympic and Cascade mountain ranges as well as Port Townsend Bay and Indian Island. Pedestrians and motorists currently access the site on a daily basis, and during the summer months nearby Water Street functions as a holding lane for overflow ferry traffic. Although the precise locations of the bordering streets are not known at this time, it appears that Scott Street may be located to provide pedestrian access to Front Street without the need for use of private lands. Front street is believed to encompass the tip of the point, and the Walker street end appears to be currently occupied by dysfunctional vehicles.

Recommended Improvements:

- Obtain a survey to locate surrounding street easements. The location of the streets will determine what type of access path will be developed to the site. If there is no access available, the City should begin negotiations with private landowners to establish an easement to the Front Street right-of-way on the tip of Indian Point.
- Clean up all privately owned encroachments which are currently located within the three streets right-of-ways.
- Provide off-street parking, recycling receptacles, beach access signage, and gravel paths to the beach at both Scott and Walker street ends.
- Provide benches near the water’s edge on the Scott, Walker and Front Street right-of- ways.

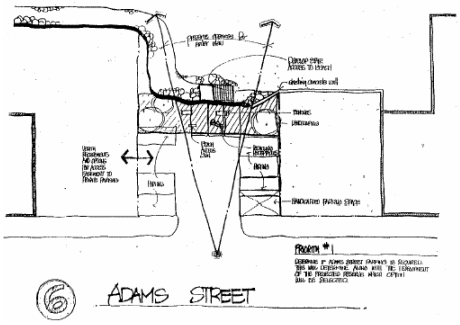


Adams Street

The Adams Street End is located in the center of the downtown business district. Currently, passers-by find their way to the beach by weaving through parked cars and climbing over beach logs. Even though the street end is currently being used for parking, the area was not included in the Parking Improvement Plan adopted by the City Council in January of 1990.

Recommended Improvements:

- Parking should be removed from the street end to preserve the view of the water and to allow easy access to the beach.
- A beach access sign, recycling facilities and benches should be installed upland near the shoreline.
- The publicly owned lands in this area should be identified, and a complete-site landscaping plan developed by one group such as the "Port Townsend Foundation."
- A stairway should be installed to facilitate access to the shoreline.



Appendix H
Permit Data Sheet

(WAC 173-27-990, Appendix A)

WAC 173-27-990 Appendix A.

Appendix A

Shoreline Management Act Permit Data Sheet and Transmittal Letter

From:	(local government)	To:	(appropriate Ecology office)

_____

_____

_____

Date of Transmittal:	Date of Receipt: (provided by Ecology)

Type of Permit: (Indicate all that apply)

Substantial Development; Conditional Use; Variance; Revision; Other. Local Government Decision: Approval; Conditional Approval; Denial:

Applicant Information:	Applicant's Representative: (if primary contact)
Name:	Name:

_____

Address:	:	Address

_____

Phone(s):	Phone(s):

_____

Is the applicant the property owner? yes no

Location of the Property: (Section Township and Range to the nearest 1/4, 1/4 Section or latitude and longitude, and a street address where available)

_____

_____

_____

Water Body Name:

Shoreline of Statewide Significance: Yes No.

Environment Designation:

Description of the Project: (Summary of the intended use or project purpose)

_____

_____

_____

Notice of Application Date: Final Decision Date:

By: (Local Government Primary Contact on this Application)

Phone No:

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-990, filed 9/30/96, effective 10/31/96.]