City of Hoquiam

Shoreline Management Master Program

June 1989

The preparation of this report was financially aided by a grant from the Washington State Department of Ecology with funds obtained from the National Oceanic and Atmospheric Administration, and appropriated for Section 306 of the Coastal Zone Management Act of 1972.

Grays Harbor Regional Planning Commission
Tim Trohimovich, Executive Director

June 20, 1989

Chapter 11.01
Introduction

Introduction to the Shorelines Management Program

The Shorelines Management Act of 1971 provides for the development and administration of a Master Program. This master program is developed by guidelines developed by the State Department of Ecology. This partnership of state and local effort is also evident in the two level approach provided in the Act for management of shorelines. The shorelines are divided into two groups: shorelines of Statewide significance and shorelines of local significance. For the former areas the Master Program specifies greater consideration of the statewide interest and the latter are to be managed by policies and regulations which give considerable weight to local needs and desires. The management philosophy used to develop the program for shorelines of statewide significance is embodied in the Shorelines Act and the Department of Ecology Guidelines. Local philosophy on management of the other shorelines was identified through the activities of a Citizens Advisory Committee and in response to input received from the general public at public hearings.

In addition, this master program includes the provisions of the Grays Harbor Estuary Management Plan applicable to the City of Hoquiam.

Why The Grays Harbor Estuary Management Plan?

Grays Harbor is one of two major estuaries on the Washington coast and is the only coastal estuary in the state with an authorized deep water navigation channel and major port. The Grays Harbor estuary provides an important transportation link to local, national and international markets and serves as a focal point for the regional economy. In addition, the estuary is a nursery ground and passage way for a vast array of living resources and an important link in the migratory patterns of many fish and wildlife species.

Each year an increasing number of demands are placed on the estuary by an expanding economic base and growing population. The ability of the estuary to accommodate these demands, remains constant or diminishes. The result is often conflict between the various groups that want to use the resources of the estuary and the agencies responsible for managing those resources.

The responsibility for making decisions about the use of the land and water resources of the Grays Harbor area falls to local, state and federal agencies. Each agency uses a plan or written guidelines to make decisions on what may or may not be done. The cities and county have comprehensive plans and Shoreline Master Programs; the Corps of Engineers, Environmental Protection Agency, State Departments of Game, Fisheries, Natural Resources, Ecology and other state and federal agencies each have their own regulations. Most agencies have prepared their plans and guidelines independently. The resulting process for making decisions is confusing, uncertain and often frustrating for the individuals involved.

In response to increasing conflicts, the Grays Harbor Regional Planning Commission formed an Estuary Planning Task Force in late 1975. In September 1976 the Task Force, through the Regional Commission and the Department of Ecology, received federal

H1393 .W2 C52 1989

funds to prepare a Grays Harbor Estuary Management Plan. A consultant was retained to assist the Task Force in the preparation of the plan.

The Grays Harbor Estuary Management Plan does not eliminate or modify any of the laws, regulations, or policies which govern the actions and decisions of local, state, or federal agencies. The plan improves the interpretation and implementation of those laws and regulations. The plan attempts to meld the various authorities and concerns into unified estuary-wide guidelines for both protection and development of the area's economic and natural resources. Since the plan has been prepared by participating local, state and federal agencies with recognition of legal and policy constraints on each, it helps avoid piece-meal decision making in the permit process. Activities which are not allowed by the Plan can expect to be denied by participating agencies.

The Plan Area

The area covered by the management plan includes the Grays Harbor Estuary area from the end of the harbor entrance jetties, up the Chehalis River to its junction with the Wynoochee River South of Montesano. The specific plan boundaries are described in each management unit. The portions of the management plan applicable to the City of Aberdeen are included in this master program.

The Planning Process

The Estuary Management Plan was prepared over an eleven year period by the Estuary Planning Task Force. The process involved six steps:

Step 1 - Preparation of a technical data base and solicitation of public opinions.[1]

Step 2 - Task Force Workshops leading to a first draft plan.

Step 3 - Public hearings and reviews - preparation of several revised drafts.

Step 4 - Preparation of draft federal Letters of Intent (LOI) and Program Draft Environmental Impact Statement (PDEIS/SEPA, NEPA)

Step 5 - PDEIS public hearing and comments; preparation of revisions to the plan and response to pubic comments; preparation of Final Environmental Impact Statement.

Step 6 - Adoption of plan into local Shoreline Master Programs; amendment to State Shorelines Master Program and Coastal Management Program.

---

1. *Grays Harbor Estuary Management Program*, *Technical Memoranda*, *Summary of Interviews*, and *Annotated Bibliography*; mapped information on: hydrology and floodplain, jurisdictions and boundaries, land and water transportation, land ownership, existing uses, historical features, soil and sediments, fisheries, natural resource use, major utilities, comprehensive plan designations, shoreline types, vegetation and wildlife, and areas of conflict and concern. (Available at the offices of the Grays Harbor Regional Planning Commission.)

Plan Concepts

There are two important concepts in the plan. First, the plan contains management goals, guidelines, and policies as well as specific conditions (regulations) on issues or projects within the Plan Area. The distinction between goals and conditions is important since the normal process for developing this type of plan begins and ends with goals and policies. However, because of conflicts over specific issues, developing goals and policies without understanding their effect on those issues was not possible in Grays Harbor. In many cases, resolving specific issues provided the basis for developing broader policies.

The second concept of the plan is "balance." The Estuary Management Goal states that the estuary as a whole will be managed for multiple uses. Inherent in this goal is the idea of balance - the plan specifies goals, policies, and guidelines which strike a tenuous balance between appropriate development of the harbor and protection of the estuary's natural resources. The plan establishes this balance on an estuary-wide rather than piecemeal basis. Thus, some areas of the estuary are primarily devoted to the preservation of fish, wildlife and plant resources, free from the pressures of development. Still other areas are approved for certain types of development, allowing development and natural resources to co-exist in these areas.

Although the plan has been carefully balanced in this manner, this does not mean that it cannot be amended. Chapter 11.23 entitled "Changes in Shorelines Environments, Changes in Management Units, and Amendments to the Text of the Master Program" outlines specific procedures for amending this master program and the plan. The effect on the balance of the plan is an important consideration in amending the plan. Future changes, whether policy or site specific, will be evaluated to ensure that the balance of the plan is maintained. Such changes must either be accommodated within the existing balance of the plan, or must be combined with mitigating actions to re-establish that balance.

Relationship to Other Plans

The Estuary Management Plan was prepared under the authority of the Grays Harbor Regional Planning Commission. The Commission, however, does not have the authority to adopt or enforce the plan since it is a planning and coordinating agency. The Estuary Management Plan has been recommended by the Estuary Planning Task Force to Commission members (local cities and the county) as well as to the affected state and federal agencies.

Each city and the county have incorporated the plan into their policies, review criteria, Shorelines Master Programs, and comprehensive plans as appropriate. The State Department of Ecology has incorporated the plan into the state's Shoreline Management and Coastal Zone Management program. Participating state and federal agencies have committed to use the plan in their planning and permitting processes as specified in Letters of Intent (Appendix F). In areas where management unit boundaries fall outside the jurisdiction of local Shoreline Master Programs, local comprehensive plans and zoning designations are used to implement the plan.

Relationship of the Grays Harbor Estuary Management Plan To Local, State and Federal Permitting Processes

Most local, state and federal agencies issue permits or review and comment on permit requests. The Estuary Management Plan does not eliminate or modify the authority of these agencies, but does increase the predictability of these permitting processes since many of the issues that must be addressed in a specific permit have already been addressed in the plan.

Some of the most significant permits affecting the estuary and its wetland areas are under the responsibility of the Corps of Engineers. The Rivers and Harbors Act of 1899 authorizes the Corps to determine whether activities in navigable waters of the United States may be allowed (Section 10 permits). The Clean Water Act authorized the Environmental Protection Agency through the Corps to determine whether filling of waters of the United States, including wetlands, may be allowed (Section 404 permits). Section 404 permit requests are evaluated with guidelines developed by the Environmental Protection Agency (404 Guidelines) and are subject to review and concurrence by the EPA and other federal agencies. In issuing both Sections 10 and 404 permits, the Corps must solicit comments from state and federal fish and wildlife agencies and must assure that equal consideration is given to the protection of fish and wildlife resources along with other project purposes. These latter requirements are based on 404 Guidelines, the Fish and Wildlife Coordination Act, the National Environmental Policy Act, and various state statutes.

Section 404 Guidelines, which control requests to fill in waters and wetlands, require that a permit applicant make four demonstrations. These are: 1) that the activity associated with the fill is either water dependent, or has no practicable site or construction alternative, 2) that the fill does not cause a violation of applicable state or federal standards and laws relating to water quality, toxic effluents, endangered or threatened species, or officially protected areas, 3) that the fill will not result in a significant degradation to the waters of the U.S., and 4) that appropriate and practicable measures will be used to minimize the impacts of the fill.

At the broadest level, criteria 1, 2 and 3 have been evaluated in the plan on an estuary-wide basis. Alternative locations within the estuary to locate activities where fill might be required were evaluated by the Task Force leading to its ultimate decision on areas so designated (Urban Mixed/Development areas, etc.). Protected areas, endangered species and the potential for such activities to violate other state or federal standards were considered in those decisions. In some cases, more specific aspects of the criteria were considered as individual management unit decisions were made. Often special conditions have been imposed to deal with known circumstances including measures to minimize impacts of fills required under criterion #4.

Under no circumstance does the plan assume to have satisfied all levels of 404 criteria that may be necessary for any particular permit. To fully satisfy those criteria, the permit process must look at the specific characteristics of each project.

It is with the criterion of significant degradation that the plan may have its greatest value since it is here that the permit process often encounters its greatest problems. The criterion defines significant degradation in terms of significant adverse impacts on a variety of environmental factors. The plan makes determinations of the acceptability of those adverse impacts associated with its management designations and thereby makes determinations on the projected degree of degradation of the waters of Grays Harbor.

Simply, the plan accepts some site-specific adverse impacts, recognizing both the overall protection afforded to the total resources of Grays Harbor by the plan and that the total adverse impacts anticipated by the plan will not significantly degrade the waters of Grays Harbor.

Several state agencies also issue or review permits within the harbor area. While on any specific project, numerous permits will be required, the authority of the state Departments of Fish, Game and Natural Resources most directly affects the use of the estuary and its land and water resources.

The Department of Natural Resources is the manager of state-owned aquatic lands. To carry out this responsibility, the department promotes the use of these lands through leases, easements and other instruments. The department also identifies and protects resources of statewide value through advance planning or mitigation (association with a lease, easement, etc.).

In addition to their individual responsibilities for managing fish and wildlife resources, the Department of Fish and Game are jointly responsible for issuing the state's hydraulic permit. This permit is required whenever the waters of the state are utilized or diverted from their natural flow and is similar in many ways to the federal Sections 10 and 404 permits.

As with federal permits, the Estuary Management Plan does not eliminate or modify any of these or other required state permits. By incorporating the factors that state agencies use is their permit evaluations into the Estuary Management Plan, greater predictability is assured in those permit processes.

Appendix F contains Letters of Intent from each of the participating state and federal agencies stating how each will use the Estuary Management Plan in their permit processes. Local cities and the County, including the City of Hoquiam, have adopted this plan as a part of their Shoreline Master Program. A Substantial Development Permit and/or other permits will be required from the responsible local government as a means of enforcing the provisions of this plan and evaluating specific project proposals. The State Department of Ecology reviews all Substantial Development Permits to assure consistency with local Shoreline Master Programs and the Shoreline Management Act. The Department of Ecology also has final permit approval authority on conditional uses and variances.

How To Use The Grays Harbor Estuary Management Plan

This plan does not answer all questions on what can or cannot be done with a specific piece of land. As previously described, this plan does not take away the authority of existing regulations, or does it remove any decision-making responsibility of a local, state or federal agency. The plan is designed to provide guidance to the decision making process, it does not make decisions itself.

The issues surrounding any proposed use or activity in an estuary are complex. The decision on such a proposal is therefore rarely based on a simple "right or wrong," or "good or bad" evaluation. Because of this, it is not possible to simply go, as an example, to page 38 to find "the right answer" to the question of a specific allowed use. This plan contains several different forms of guidance which all must be considered to determine what is "right." Both the individual property owner who is considering a specific

proposal and the decision maker who is evaluating the proposal, must use all of the guidance of this plan to make their final judgement.

There is no single way to properly use this plan. However, the following steps represent a general sequence to be used to determine whether or not a specific use or activity is considered appropriate by the plan.

Step 1

Locate the property in question on the Estuary Management Plan map (Appendix B). Two things should be noted from the map; first, the Management Unit number; second, the Planning Area number.

Step 2

The proposed use or activity must be accurately described. To do so, several questions should be asked:

1. Which of the uses identified in the listing of permitted and conditional uses in the following management units most accurately describe the proposal? The management units to review are Urban Development, Conservancy Managed, and Management Unit Number 44.

2. Will any of the following structures or activities be required to accomplish the proposal? If so, which ones?

Allowable Activities

Structures

- Piers, docks, wharfs
- Piling and mooring dolphins
- Bridges
- Causeways
- Outfalls
- Cable/pipeline crossing
- Boathouses
- Breakwater

Bankline Activities

- Diking
- Bulkheading
- Groins
- Jetty
- Special Project Fills (see page 13)
- Bankline Straightening (see page 41)
- Bankline Erosion Control (see page 40)
- Special Activities

Channel (Navigation) Activities

- New Access Channel
- Maintenance of Existing Channels or Berths

3. Will any part of the proposed use or activity extend waterward of the line of Ordinary High Water?

   If the answer to this question is yes, in addition to the Management Unit number identified in STEP 1, note that Management Unit 44 (dealing exclusively with the water area) will also apply to the proposal.

4. Will any part of the proposed use or activity extend into the wetlands?

   NOTE: Wetlands will not be easy to identify without technical assistance. While the line of non-aquatic vegetation generally describes the landward boundary of marsh or wetland areas, the seasonal nature of these areas and the broad definition of non-aquatic vegetation types make it difficult to accurately identify the extent of these areas. The Regional Planning Commission, city, county, Department of Ecology or U.S. Corps of Engineers staff can provide assistance on this question. For state owned submerged lands, a lease or other proprietary authorization will be required from the State Department of Natural Resources.

If the answer to this question is yes, the proposal will be subject to the Corps of Engineers Section 404 permit requirements. Other permits may also be required depending on the specific type of proposal. This plan does not try to identify those additional requirements, but again, the Regional Planning Commission, city or county staff should be consulted to identify other required permits or procedures.

Step 3

Turn to the page that covers the identified Management Unit (pages 65-74). On that page, you will find the following information:

1. Planning Area Number

   This number (roman numeral) is directly under the Management Unit number. This refers to the Planning Area within which this management unit is located (occasionally a management unit is in two Planning Areas). General Guidelines for the Planning Areas can be found on pages 46-48.

2. Shorelines Environments

   Shorelines Environments can be found on pages 58 through 64.

3. Boundary Description

   This is a description of the boundaries of the management unit.

   NOTE: The waterward boundary of a shoreline management unit is generally the line of Ordinary High Water. In some cases a different boundary is used and is so described.

4. Management Objective

   This is a statement of the objectives for managing this area. This should be considered a refinement of the Management Category for this management unit.

5. Allowable Activities

   The allowable activities are listed in the shorelines environments (definitions of allowable and conditional are found on pages 15 and 17).

6. Standard Uses

   This is only a reference to the listing of allowable uses in the Shorelines Environment that is associated with the Management Unit.

7. Special Conditions

   Not all management units contain this section. For those that do, this section provides further guidance than can be found in the Allowable Activities or Standard Uses tables or within other guidelines. Where special conditions are referenced in the allowed activities matrix, that activity is a conditional activity and the special condition with that number or numbers applies to that activity and any other activity which references that special condition.

If it is determined that the proposal involves Management Unit 44 (STEP 2, question 3), turn also to the page corresponding to that management unit.

Step 4

Conduct an initial evaluation of the proposal in the following sequence:

1. Turn to the listing of permitted and conditional uses in the Shorelines Environment appropriate for the Management Unit;

2. Find the use (barge, berthing, aquaculture, etc.) that best fits the proposal;

3. Identify whether the use is PERMITTED, listing as a permitted use; CONDITIONAL, listed as a conditional use, or GENERALLY INAPPROPRIATE not listed.

USE is PERMITTED or CONDITIONAL

Turn to the Management Unit page and see if the activities (piers, diking, etc.) that will be required are allowable.

USE is GENERALLY INAPPROPRIATE

When the Standard Uses listed in the environments and Management Unit 44 suggest that a specific use is generally inappropriate in a Management Category, a permit request for that use will most likely be denied by the permitting agency. In such circumstances, however, specific management unit conditions may provide additional guidance on the appropriateness of the use and its activities, or a plan amendment may be required if the use is still desired (see Plan Review and Amendment section, pages 9-11).

5. Turn to the page containing the specific Management Unit (pages 65-74) that applies to your site and look at the Allowable Activities table. Determine whether the activities (piers, piling, fills, erosion control, etc.) that you will require to accommodate your proposed use are (A) ALLOWED, (C) CONDITIONAL, (1,3) CONDITIONAL and subject to SPECIAL CONDITIONS, or ( ) are NOT ALLOWED.

ACTIVITIES are NOT ALLOWED

The proposal does not conform to the plan (even though the use from the Standard Use table may have been considered appropriate) and a plan amendment will be required to accommodate the use if still desired (see Plan Review and Amendment section, pages 9-10).

ACTIVITIES are CONDITIONAL

The activity may be allowable depending on the specific proposal but is not assumed to be allowable. The determination of whether or not such a proposal is allowable is dependent on meeting Conditional criteria (page 93), its conformance with the Estuary Management Goal (page 27), the applicable Planning Area Guidelines (pages 46-48), the Management Unit Objective and other relevant factors.

ACTIVITIES are ALLOWABLE

The Estuary Management Plan considers such activities in designated management units as appropriate and allowable. As with any use or activity, other applicable local, state and federal regulations must also be met (see sections on Relationship to Other Plans and Relationship to State and Federal Permitting Processes, pages 3-5).

Grays Harbor Estuary Management Plan Review and Amendment

The Estuary Planning Task Force, through its consensus decision-making process, will continue to play an important role in on-going estuary planning, and in plan review and amendment. This continuing role is necessary in order to maintain the balance of the plan through the consensus process. Both consensus and balance must be maintained if the plan is to serve as an effective guide to local, state, and federal decision making. A change in the balance of the plan (even through a change in a single Management Unit) could jeopardize the responsiveness of the plan to agency and citizen concerns, impairing the advance permit evaluations that are contained in the plan and undermine the commitment of Task Force members to use the plan. The review and amendment process includes the following elements:

- Annual Review

In February of each year following adoption of the plan, the Regional Planning Commission will convene a meeting of the Estuary Planning Task Force to conduct an Annual Review of the Estuary Management Plan. The primary purpose of this session is to review development and permit activities of the previous year and to assess the usability of the plan. The Task Force may wish to suggest amendments to various portions of the plan although it is expected that most amendments that result from the annual review will be administrative or for the purpose of clarification rather than substantive policy changes. As with all of its reviews, the Task Force will ensure that comments from the general public are solicited and reviewed in accordance with its adopted Citizen Participation Procedures.

- Five Year Review

In February of the fifth year after the adoption of the initial Management Plan, the Regional Planning Commission will convene the Estuary Planning Task Force in one or

more workshops to systematically review all of the elements of the plan. On the basis of that review, both administrative and substantive changes will be recommended through the Regional Planning Commission to the respective Task Force jurisdictions, agencies, and the general public.

- Plan Amendment

The plan amendment process is guided by the requirements of the State's Shoreline Management Program. Initially, this plan has been adopted by each local jurisdiction as an amendment to their Shoreline Master Program. The State's Shoreline Management Program has also been amended to incorporate the amended local Shoreline Master Programs.

Although the Estuary Planning Task Force is not legally a part of this adoption/amendment process because of its advisory role, it has nonetheless, been the means to create the plan through the consensus of its members. Because of this, involving task force members in the amendment process will facilitate permits that would be the result of the amendment.

Through the annual and five year review process, the Task Force will be forwarding recommendations to local government for possible amendments to various sections of the Estuary Management Plan and their Shoreline Master Programs. Such amendments will follow the same process as was used to adopt the initial Estuary Management Plan.

It is probable that individuals, corporations or special interest groups may wish to propose amendments to local Shoreline Master Programs and thereby the Estuary Management Plan. Such amendments are only within the jurisdiction of local government. The Estuary Planning Task Force will have an interest in such amendments since they will affect other areas of the estuary. The role of the Task Force in such proposed amendments will be that of "review and comment" to the local government involved. To ensure that the Task Force or its individual members are able to provide meaningful comment on such amendments, local government should consider limiting the consideration of plan amendments to once every six months.

The specific process and criteria to be used to decide amendments to this master program and the *Grays Harbor Estuary Management Plan* are in Chapter 11.23.

Chapter 11.02
Concepts and Definitions

The Grays Harbor Estuary Planning/Management Framework

The Estuary Management Plan is organized around descending levels of policies. These different levels are necessary because broad policies applied to the entire estuary cannot provide the type of guidance to property owners or government on what uses or activities should be allowed on specific sites. Yet to develop policies only at the site-specific level fails to recognize the impact of those policies to the total estuary. The policies in the Estuary Management Plan begin with the total estuary and end with site-specific guidelines. Each level of policy and the size of the area to which those policies are applied, is more specific than the preceding level.

Estuary Management Goal

There are three policy levels in the Grays Harbor Estuary Management Plan. The first level is a single, broad policy called the Estuary Management Goal. The goal sets forth the concept of balance in the development and preservation of the estuary (see section entitled Plan Concepts in Chapter 11.01). The Goal, which says that "the Grays Harbor estuary will be managed for multiple uses" is very general and cannot be used as the only basis for evaluating a specific project proposal. Instead, specific project proposals must be evaluated by looking also at the more detailed policies at the second and third levels of the planning/management framework.

Planning Areas

The second policy level of the management plan is the Planning Area. The estuary is divided into eight Planning Areas (see Estuary Management Plan Map, Appendix H), each representing a common set of natural and man-related features. The criteria that were used to establish the boundaries for the Planning Areas include:

- land ownership
- political jurisdictions
- existing uses
- areas of existing or possible conflict
- physical boundaries or features

Planning Areas provide a basis for describing how different areas of the estuary presently function and how they should function in the future. Each Planning Area is described in terms of its existing character, its major existing uses, its conflicts and assets. General guidelines are included for management of the Planning Area's natural resources and for development within the Planning Area.

Management Units

The third policy level in the management plan is the Management Unit. This is the most specific policy level and is designed to provide guidance to property owners and government agencies in evaluating project proposals. Forty-three Management Units are contained in the Estuary Management Plan. (Only the Management Units within the jurisdiction of the City of Hoquiam are included in this shorelines master program.) Each unit is given a Shorelines Environment (see pages 59 to 64) which carries with it a

set of permitted and conditional uses. The boundaries of each unit are described along with the Allowable Activities and a general Management Objective. Some Management Units also contain Special Conditions.

Definitions

The definitions are intended to be used with both the policy and regulatory sections of this shorelines master program.

Management Units

- Management Unit Boundaries

Most management units are parallel to the shoreline. They are defined on the upland side by the Plan Boundary; on the water side by the line of Ordinary High Water; and on the third and fourth sides by boundaries established whenever possible, by specific ground or property features. Unless otherwise specified, when roads and highways are used to define the Plan Boundary, the road or highway is not in the management unit. When a road or highway is used to define a Management Unit Boundary, the boundary line is the center line of the road. The diagram below is an illustration of management unit boundaries.

(Insert Map)

- Split Management Units

The plan contains several management units that have critical wetlands shoreward of the line of Ordinary High Water. In these units, additional protection is given to the wetlands by splitting management units with a third line parallel to the shoreline. Most often, the Corps of Engineers line of nonaquatic vegetation (Section 404 line) is used to split a management unit although occasionally other features are used. Splitting these management units separates areas with distinctly different characteristics and allows each portion of the management unit to have its own management designation, allowable uses, activities and special conditions.

(Insert Map)

- In-Water Management Units

While most management units are defined by the line of Ordinary High Water, some units are tidelands and submerged lands generally within the water area of the estuary. In these cases, the boundaries of the management units are not exact but are described by the features that are receiving special management treatment. As an example, the Whitcomb Flats area is Management Unit 42. There is no attempt to precisely define the boundaries of that management unit except as it is generally outlined on the Management Unit Map (Appendix H).

- Management Unit 44

Management Unit 44 is a special unit that includes all the water areas not included within any other designated management unit.

- Special Management Units

Several management units have been given a "Special" classification. This indication is used where unique conditions exist with the unit's boundary or where other special circumstances are present. In all cases, the unique circumstances are covered in the Special Conditions section of the management unit.

Fills

Erosion Control

This type of fill is designed to preserve the existing bankline or to protect the bankline from erosion. The Bankline Erosion Control Policy (see page 40) addresses this type of fill. This policy may only be used where specifically authorized within the Allowable Activities Table of each management unit.

Special Project Fills

This type of fill is described in special conditions of specific management units. The fills in Management Unit 12 are an example of this type of fill. The exact conditions of these fills are spelled out within specific management units and have been determined through the estuary planning process.

Bankline Straightening

This is a small fill primarily done for the purpose of straightening the bankline to create more usable uplands for development. Within the estuary planning process it is not possible to identify all such possible circumstances where this type of fill might be desired so a Bankline Straightening Policy (see pages 41-42) has been developed. Like Bankline Erosion Control, this policy may only be used where specifically authorized within the Allowable Activities Table of each management unit.

All other fills that do not fit the preceding definitions will be disallowed through the permit process. The term fill, as used in this plan, does not include fills which are needed to prepare upland sites above the jurisdiction of the Section 404 line of non-aquatic vegetation. See also, section on Disposal of Wood Waste (page 45).

Terms

Many of the definitions in the following material contain terms or phrases that are somewhat technical in nature, but which conform to specific language contained in various statutes or regulations. Specific questions relating to some of these terms should be addressed to the Grays Harbor Regional Planning Commission staff or the state Department of Ecology, or the Corps of Engineers.

Access Channel:	Creation of a side channel connecting the main navigation channel with shoreside facilities including ship berthing.
Activities:	Any structure, facility or activity done in conjunction with a use or to make a use possible. Activities are not themselves a use. Several activities (for example; dredging, piling, fill) may be required for a single use.
Advertising Area	Total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, or word, symbol, design, picture or visual medium visible on the surface of any sign. For signs where the letters of a word are each located on separate surfaces facing in the same direction the advertising area shall be the total number of square feet within the boundary of separate parallelograms closing each letter. Where signs include surfacing facing in different directions, the advertising area shall be the largest total of the advertising area visible in any one direction and in the case of a cylindrical shaped sign the advertising area shall be the largest cross-section thereof.
Administrator	The City Planner unless another city staff person has been assigned to be the Administrator by the Mayor.
Assurance Device	A bond, non-revokable letter of credit, set-aside letter, assignment of funds or loan proceeds, or any similar mechanism approved by the City whereby the City has recourse to identifiable assets of the applicant in order to ensure compliance with this ordinance.
Allowable/Allowed:	A use or activity that conforms to the Grays Harbor Estuary Management Plan and may be undertaken subject to:

- The general requirement that the use or activity be designed and constructed in a manner that will minimize, so far as practical, any resultant damage to both the natural resources of the affected aquatic and shoreland area, and maintain consistency with the intent of the goals, policies and standards of the plan;

- Specific policies, standards or special conditions contained in this plan; and,

- Applicable, local, state and federal permits and regulations.

Appropriate/ Inappropriate Use: Designated in the regulations for the various environments, a use is considered appropriate or inappropriate based on the stated purpose of applicable Shorelines Environments.

Designation of an APPROPRIATE USE indicates that in most cases where the Management Category is used, the use will be appropriate. It does not mean that it will always be appropriate in specific management units. The Allowable Activities table, Management Unit Objectives and Special Conditions will ultimately determine whether or not a use can be accommodated in specific management units. In the regulations section of this master program an appropriate use is listed as a permitted use.

Designation of uses that MAY BE APPROPRIATE within Management Categories indicates that the individual circumstances of specific management units will determine whether or not uses so designated can be accommodated. In the regulations section of this master program a may be appropriate use is listed as a conditional use.

Uses designated INAPPROPRIATE are considered inconsistent with the purpose of designated Management Categories and generally will not be allowed. In the regulations section of this master program an inappropriate use is a prohibited use.

Bankline: That area of the shoreline that lies above ordinary high water and may be below the 404 boundary. The bankline can include wetland areas.

Bankline Erosion Control: See Page 40.

Bankline Straightening: See Pages 41-42.

Boathouse: A structure built over the water to house boats.

Breakwater:	An offshore barrier, sometimes connected to the shore at one or both ends, to break the force of waves. A structure of rock, piling or concrete to protect a shore area, harbor or basin.
Bridge:	An overwater structural crossing for the purpose of vehicular, pedestrian or rail access.
Bulkhead:	A structure that separates land from water by a vertical retaining wall. The bulkhead retains earth and prevents sliding as well as protects the upland against wave damage.
Cable and Pipeline Crossings:	Lines and cables placed in the substrate of a waterway to traverse the waterway beneath the water.
Causeway:	A filled passageway for vehicle access, often with culverts to allow drainage or tidal flow through the causeway.
Channel/Berth Maintenance:	Dredging of shoal materials from navigation channel or ship berth to maintain access.
City	The City of Hoquiam.
Conditional:	An activity or use which generally conforms to the management objectives of a particular Management Category or management unit, but because of potential problems inherent with the specific use or activity, may not be appropriate in every situation. Being "conditionally allowable" assumes that the use or activity is allowable only if sufficient care is taken to avoid predictable negative impacts through the application of project/site specific conditions. Uses and activities classified as conditional may be authorized provided that all of the following criteria can be satisfied: 1. The proposed use or activity is consistent with the appropriate Planning Area Guidelines and the Management Objectives of the specific management unit. Consistency includes both the scope and scale of the proposed use or activity; 2. The proposed use of the site and design of the project will be compatible with other allowable uses and activities adjacent to and within the area; 3. The proposed use or activity will cause no unreasonably adverse effects to aquatic and shoreline areas; 4. The proposed use or activity will not have substantial adverse cumulative effects; and,

5. There will be no substantial detrimental effects to the public's interest in the area, including normal public use of the shoreline.

Uses and activities which are authorized as conditional will be subject to conditions necessary to prevent any undesirable effects (including limitations to the scope and scale of the proposed use or activity).

A use or activity may be considered conditional, and thereby generally consistent with the plan goals, but may not be found allowable after a specific case review. Despite general consistency with the plan, a conditional use or activity may be inappropriate because of the specific circumstances surrounding the proposal or because of the unique characteristics of the proposal.

In the exceptional case where a proposed use or activity has not been set forth in the plan, it may be proposed as a conditional use or activity. In such circumstances, the use or activity may only be authorized if the preceding criteria are met and other applicable state and federal regulations (including permit requirements) are satisfied. A plan amendment might also be required.

Density	The total number of square feet in a lot divided by the number of dwelling units located on the lot.
Development	A use consisting of the construction of exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.
Dike:	An earthen embankment or ridge constructed to restrain high waters.
Dock:	A fixed or floating decked structure against which a boat may be berthed temporarily or indefinitely.
Dolphin:	A group of piles driven close together in water and tied together so that the group is capable of withstanding lateral forces from vessels and other floating objects.
Dredging:	Removal of materials from a waterway or its banks.
Dwelling	One or more habitable rooms for one family with facilities for living, sleeping, cooking and eating.
Extreme low tide	The lowest line on the land reached by a receding tide.
Fill:	See page 13.

404 Boundary:	This is the upward limit of jurisdiction of Section 404 permit as required by the Corps of Engineers. The Seattle District Regulatory Functions Branch of the Corps should be contacted to determine the exact location of the Section 404 boundary in the Grays Harbor Estuary.
Groin:	A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shore. This may also include an in-water structure used for fisheries enhancement.
Jetty:	An artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment and to direct and confine the stream of tidal flow. Jetties are built at the mouth of a river or estuary to help deepen and stabilize a channel.
Lot	A tract of land lawfully established and officially recorded in the County Auditors Office, whether described by metes and bounds and/or by lot, or by lot and block designation in a recorded plat, which constitutes a unit of land under single ownership. Where an existing or proposed building or development straddles a lot line dividing contiguous lot under the same ownership, the affected lots shall be considered one lot for the purpose of this ordinance.
Master program	The comprehensive use plan for a described area, and the use regulations 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.
Mean Higher High Water (MHHW):	The average height of the higher high tides observed over a 19-year period.
Mean Low Water (MLW):	The average of all observed low tides over a 19-year period. The average is of both the lower low and of the higher low tides recorded each day over a specific time period.
Mean Lower Low Water (MLLW):	The average height of the lower low tides observed over a 19-year interval. The datum plane is used on Pacific Coast nautical charts to reference soundings. This line appears as a dotted line on NOS (formerly C&GS) charts between tidelands and submerged lands.
Nonwater-Dependent Use:	A use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility.

Ordinary High Water Mark:	That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971 or as it may naturally change thereafter; 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.
Outfall:	Discharge or point of discharge of a culvert or other closed conduit and may also include an open outfall structure for return water from dredge material disposal sites, cranberry bogs, etc.
Person	An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the State or local government unit however designated.
Pier:	A structure extending into the water from solid land for use as a landing place or promenade for persons and goods to and from vessels alongside the pier. Sometimes synonymous with wharf.
Piling:	A long, slender stake or structural element of timber, concrete or steel which is driven, jetted, or otherwise embedded on and into the ground for the purpose of supporting a load.
Public Access:	See General Policies on pages 45-46.
Riprap:	A facing layer of material placed on an embankment to prevent erosion, scour, or sloughing.
Sign	Any message, work, symbol, design, picture, visual medium which is intended to draw attention to a product, service, business, person, institution, location and is placed or painted on the ground, or on any tree, wall, fence, rock structure or thing whatsoever and placed thereon whether indoor or outdoor, so as to be visible from off-premises, exclusive of legal notices, safety and directional signs posted by public agencies.
Shorelines Commission	The board established by this shorelines master program to decide the issues assigned to it at the local level.

Shorelines	means all of the water areas of the City including reservoirs, and their associated wetlands, together with lands underlying them: except (i) Shorelines of statewide significance; (ii) Shorelines on 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; and, (iii) Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.
Shorelines of the State	The total of all "shorelines" and "shorelines of statewide significance" within the City
Shorelines of state-wide significance	The following shorelines of the City: (i) Those natural rivers or segments thereof of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more; (ii) Grays Harbor; (iii) And all wetlands associated with the bodies of water described in (i) and (ii) of this definition.
Special Conditions:	Specific standards, policies, or guidelines that may be found in specific Management Units. Where they occur, they are unique to that Management Unit and are designed to provide additional guidance on implementing the management objectives of that unit and in accommodating unique characteristics.
Structure	Anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground and/or water, but not including unroofed paved areas.
Substantial development	Any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the City; except that the following shall not be considered substantial developments for the purpose of this chapter: (a) 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 a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or the total replacement would cause

substantial adverse effects to the shoreline resource or environment.

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

(c) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to the public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the procedures of the Act.

(d) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: *Provided*, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

(e) Construction or modification of navigational aids such as channel markers and anchor buoys.

(f) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his or her own use or for the use of his/her family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Ordinance. "Single family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. Construction authorized by this exemption shall be located landward of the ordinary high water mark.

(h) 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 from the irrigation of lands.

(i) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface of the water.
(j) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendment to the Shorelines Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
(k) Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.

Unacceptable: An unacceptable adverse impact is one which will significantly affect the biological functions of the particular site or of the estuary as a whole. Whether impacts of a particular use or activity are unacceptable depends on a comprehensive analysis including the nature of the proposed use or activity and proposed protective and mitigative measures.

Where the plan indicates that certain uses and activities will not have unacceptable adverse impacts, this determination is made based on current data and in the context of all of the impacts and protective measures contained in the Plan. The determination presupposes that measures will be adopted to control avoidable adverse impacts, that all special conditions will be satisfied, and that appropriate permit criteria will be met.

Uplands: Areas of shoreland characterized by plants that cannot withstand periodic or prolonged flooding or saturated soils. These areas do not support wetland vegetation and are outside Section 404 jurisdiction (see 404 Boundary definition).

Use: The "end" to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation or recreation. An accessory use is a use incidental and subordinate to the main use of the property and located on the same lot or parcel as the main use.

Vegetation: The general plant cover of an area as differentiated from individual types (species) of plants. Vegetation includes the numerical relationships of different species.

Water Area: That portion of the plan area that lies below Ordinary High Water.

Water Dependent: A water dependent use or activity cannot exist in any other location and is dependent on a water location by reason of the intrinsic nature of its operations. The water location or access must be needed for:

- Water-bourne Transportation - navigation, moorage, fueling and servicing of ships or boats, terminal and transfer facilities, resource and material receiving and shipping; or

- Public access; or

- A Source of Water - structures or facilities necessary for water withdrawal.

Water Related: A water related use or activity is not intrinsically dependent on a waterfront location. A use or activity is water related if:

- It provides goods or services that are directly associated with water dependent uses, such as supplying materials or services to or using products of water dependent uses; or

- It gains substantial cost savings or revenue-differentiating advantages (not associated with land cost or rents) from being located on the waterfront that it could not obtain from an inland location, or

- A location other than adjacent to the water would result in a public loss of quality in the goods and services offered, considering the economic, social and environmental consequences of the use. Water related uses and activities are not differentiated from non-water dependent uses by federal regulations or guidelines. The application of federal regulations or guidelines to such uses will therefore be done as though they were non-water dependent.

Wetlands: The term "wetlands" as used in this plan means those 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. The term wetlands also includes mudflats, sandflats, vegetated shallows, rocky shores, and sand or gravel beaches up to the limit of Section 404 jurisdiction.

Wharf: A structure built alongside a waterway for the purposes of receipt, discharge and storage of goods and merchandise from boats.

Chapter 11.03
Goals

Eight elements relating to Shorelines Management have been identified: Economic Development, Public Access, Circulation, Recreation, Land and Water Use Conservation, Valuable Sites and Structures and Restoration. In addition, an overall goal for the Grays Harbor Estuary has been adopted through the *Grays Harbor Estuary Management Plan*. Each of these is described below and then appropriate goals are drawn.

Economic Development

The primary pillars of the regional economy are forest products, fishing and tourism. Each of these has many components, especially forest products which involves export, manufacturing, logging, pulp and paper, milling and other subsidiary interests. They all depend on the natural resources of the region. The region is not a shopping center for out-of-region customers, nor are there very many manufacturing establishments that have the capacity to operate anywhere they choose.

The local economy is seasonal in nature. Fishing and tourism have seasonal highs and low's, and logging, while done year round, is still more active during the warmer months, plus the converse of logging, tree planting is a seasonal operation. This seasonal aspect lends a certain instability to the local economy often meaning dual employment for many people.

The major economic pillars as well as many of the minor ones have a direct relationship to local shorelines. We depend on certain types and certain degrees of quality in our shorelines for the major part of our economy.

A higher than acceptable degree of unemployment, poverty, public assistance load, housing shortage, and other unacceptable conditions suggest that the regional economic base is insufficient and needs to be expanded.

The salient points regarding the local economy are:
- Local resource oriented
- Seasonal nature of some parts
- Not meeting the needs
- Shoreline related sites.

These matters were considered in the drafting of the following Economic Development Goal:

Economic Development Goal

To maintain and enhance our shoreline related industry. To secure an adequate amount of shorelands and wetlands of an appropriate nature for these industries. Yet, at all times to see that we create and maintain an industrial and economic environment which can coexist harmoniously with the natural and human environments.

Public Access

Recreation is often divided into two types: active and passive. The public need for access to water for active recreation is considered in the Recreation Element. But the

passive aspect can be considered a basic public need also. There is considerable evidence that the public needs to passively experience the interface between water, land and sky, and for this reason the Shorelines Act considers public access of major importance both for active and passive recreation. The following goal is based on both types of recreation use and recognizes the need for this access to be compatible with the recreation and the private access needs of local commerce and industry.

Public Access Goal

To maintain and improve our existing public access facilities, to seek more facilities and devices to increase opportunities for public access to our region's waters. Further, public access should be as safe as possible, cause no ill effect on other shorelines uses or features, or ill effect on the water themselves, or infringement upon private property rights. Yet fragile areas should not be destroyed through over use, rather that the volume of access be only that which the waters and shorelines can withstand.

Circulation

In this region circulation is closely intertwined with the shoreline resource. Railroad and highway routes often skirt the edge of waterways or the floodway. Circulation also means the various above and below ground service systems such as: gas, electricity, water, sewer and others. Along with these facilities goods and services are transported through the area.

Existing technology or topography often requires that these be located on or near shorelines. On the other hand these can often attract other land uses and this side effect must also be considered if a circulation facility is near a shoreline. Our local economy is dependent on a network of roads, railroads, shipping, commercial and sport fishing and air travel.

With these considerations in mind, the following Circulation Goal has been established:

Circulation Goal

To create and maintain a circulatory network capable of delivering people, goods, services and emergency services at the highest level of convenience, safety, reliability, and economy. The secondary effects of circulatory system development must be accounted for in the planning of such systems to avoid undesirable side effects. Circulation planning must be compatible with land use planning.

Recreation

Access to shorelines for passive and active recreation was included as a consideration in the Public Access Goal. Water related recreation depends on access but also represents a specific activity or use of the water or the adjacent shorelines. This activity takes several forms and is noted in the Economic Goal as an integrated part of the regional economy.

Fishing, clam-digging, open beach playing, hunting, river rafting and canoeing and other outdoor sports are available and almost all depend on a well-maintained environment and well managed shorelines. Recreational activity also brings along with it certain adverse impacts if not adequately controlled, i.e.: over use, vandalism, litter.

Realization of the statewide and local need, plus knowledge of the abundance of the local water resource led to the following goals:

Recreation Goal

To seek and provide proper recreational opportunities for the local citizenry, to see that the at-home recreational needs are met.

Further, to maintain and enhance our tourism resources, to stabilize these resources and to guide resource development such that the very development is not fatal to the original resource.

Land and Water Use

Without a management program for land use, experience suggests that individual property owners will independently decide the uses for shoreline sites and water areas and too often these uses do not compliment each other or utilize sites no suited to them. Rather than leave the individual to the mercy of the market place, designation of appropriate areas for every needed activity can provide development opportunity within a logical context.

Land and Water Use Goal

To promote the best possible pattern of land and water uses, to assure a minimum of conflict between uses, to assure that individual uses are placed on sites appropriate to such uses, to assure that lands and waters of specific natures are available to uses which need such special types of lands and waters, to see that all of the uses needed by the region have a place, and to generally devise a pattern beneficial to the natural and human environments.

Conservation

As noted earlier the local economy depends heavily upon local resources, especially the renewable ones, so for economic and social reasons conservation is important. Needlessly destroying a resource or species of wildlife or allowing it to disappear from lack of attention would diminish the variety and utility of our environment and in some cases threaten our very existence. The abundance of the renewable and non-renewable resources such as minerals is limited and must be conserved, and used wisely.

Conservation Goal

To identify the resources of the region including: fish, wildlife, timber, estuaries, shorelines, beaches, scenic areas, fragile ecological areas, land, water and air. Further, to identify standards which will guarantee a continuing supply of these resources in sufficient quality and quantity to meet all of the region's foreseeable needs with an excess to absorb accidental losses or economic slumps which might occur, and to continually enhance those resources so that the standards can be achieved by the year 2000.

Historical, Cultural, Scientific and Educational Sites and Structures

There are specific historic, cultural, scientific and educational sites or structures located within the area under the jurisdiction of the Shoreline Act. The Act mandates a local effort to identify them, and determine their significance and to preserve significant sites and structures so that their values will not be lost to ours or future generations.

Local history and culture gives us perspective and vision. We see our roots and what became of our ancestors' dreams. The following goal provides the starting point for developing means of deciding which sites and structures have significant value and how to protect and preserve them.

Historic, Cultural, Scientific and Educational Sites and Structures Goal

Within the limitations of practicality and private property rights, areas and structures of historic, cultural, scientific, and educational value should be preserved and maintained. Minority and special interest viewpoints regarding such preservation may be entertained by means of the Substantial Development Application permit system.

Restoration

There are many shoreline areas where there are structures and uses which are damaged or deteriorated. Much can be done to encourage reuse and rehabilitation of these areas by private enterprise with government activity primarily as a catalyst and stimulant. One way is to direct development into those areas rather than encouraging the use of unused land.

Restoration Goal

To encourage development in areas which have been previously impacted with development so that such areas may be renewed, restored and refurbished by compatible new development.

To utilize governmental activity as a catalyst and stimulant to trigger the desired redevelopment of deteriorated public facilities within target areas.

Estuary Management

There are three policy levels in the *Grays Harbor Estuary Management Plan*. The first level is a single, broad policy called the Estuary Management Goal. The goal sets forth the concept of balance in the development and preservation of the estuary (see section entitled Plan Concepts in Chapter 11.01).

Estuary Management Goal

The Grays Harbor estuary will be managed for multiple uses.

Chapter 11.04
Policies

Policies Which Apply to All Shorelines

The Goals described in Chapter 11.03 are the basic framework for the development of more specific policy statements. These policy statements are generalized management practices which are the basis for the Shoreline Management Regulations. They serve to identify the intent of the regulations and to provide the Administrator and the Shorelines Commission with clear direction in applying the regulations.

These policies have been grouped in six categories: activities, development, natural systems, amenities, environments, and administration. Under the "Activity" heading are listed policies relating to uses of the environment which usually involve few significant structures. Under the "Development" heading are the policies for uses which are predominantly characterized by significant structures with impacts on the environment. There are several distinct natural systems, such as the accreted beaches, estuary, riverine floodplains which because of their character must be respected. Policies related to these characteristics are included under the "Natural Systems" heading. Shorelines are also characterized by important amenities such as visual beauty and unique landscape, and certain forms of pollution can adversely affect these. Policies on this aspect of the shorelines resource are covered in the "Amenity" section. The Management Program is centered around four environmental designations: Urban, Rural, Conservancy, and Natural. Policies on what these environments mean and how and where they should be applied are included in the section on "Environment Policies", and finally, the administration of the Master Program must be. pursued in a manner which successfully considers the intent of the policies and regulations and adapts them to the circumstances of each permit application. Policies directed at assisting the administrator in carrying out the program and policies related to shorelines of statewide significance are listed under "Administrative" policies.

These six categories represent six different viewpoints of the same phenomenon - man interacting with the shorelines and waterways. Not every proposed activity or use of the shorelines will necessarily involve policies in all six areas but in most instances several categories will apply and provide the administrator with a complete perspective. Taken as a whole these policies represent a comprehensive shorelines management strategy.

Activity Policies

1. Mining: Mining is the removal of naturally occurring materials from the earth for economic use.

   (a) When rock, sand, gravel and/or minerals are removed from shoreline areas, the adjacent waters should be protected from mine generated sediment, debris, and deleterious effluent. This protection should include, but not be limited to, a buffer strip.

   (b) Excavations for the production of sand, gravel, and minerals should done in conformance with the Washington State Surface Mining Act.

2. Landfill: Landfill is the creation of dry upland area by the filling or depositing of sand, soil, or gravel into a shoreline area.

(a) Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard or significant injury to adjacent life, property and natural resources systems.

(b) All perimeters of fills should be provided with suitable means for erosion prevention where appropriate and necessary.

(c) Fill material should be of such quality that it will not cause serious water quality degradation.

(d) Priority should be given to landfills for water dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, floodplain impact, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

3. Dredging: Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain the materials for other uses.

(a) Dredging should minimize damage to existing ecological values, natural resources and the river system of both the area to be dredged and the area for deposit of dredged materials and shall also minimize water quality degradation.

(b) Spoil deposit sites in water areas should be identified in cooperation with the State Departments of Natural Resources, Game, and Fisheries. Depositing of dredge material in water areas should be allowed only for habitat improvements, to correct problems of material distribution affecting adversely 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.

(c) Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.

(d) Ship channels, turning and moorage basins should be identified and no new such areas should be prepared or used without sufficient evidence that existing channels and basins are inadequate.

(e) The use of dredged soils for purposes other than landfill is encouraged.

4. Waste Disposal: Solid and liquid wastes are generated by recreational activity, industry, commerce and residents. Waste disposal includes storage, collection, treatment and disposal practices which if not appropriate can have detrimental impacts on shorelines.

(a) All uses and activities should utilize solid waste storage, collection, processing and disposal practices in conformance with State Health District and Air Pollution Control Authority regulations and special care be taken to provide convenient facilities for tourists.

(b) All uses and activities which generate liquid wastes should utilize public sanitary sewage systems for treatment and disposal unless the sewage collection facility is

not within 200 feet or the system is incapable of handling the wastes in which case a septic tank or other sanitary holding tank or disposal system should be provided in compliance with State and Health District regulations.

5. Public Access:

(a) Granting of public access by private property owners is an important public benefit, and public programs which enable the private owner to provide or continue to provide public access should be encouraged. Such programs could include: litter control, vandalism protection, fire prevention and control, and protection from environmental damage.

(b) Where improved public access is provided on public land such access should be designed to preserve the maximum possible amount of natural vegetation consistent with functional requirements.

(c) Residential and commercial development on shorelines of statewide significance should be encouraged to provide linear access ways along the shorelines. industrial uses located on shorelines of statewide significance should be encouraged to provide vista points along the waterfront recognizing the incompatibility of linear access ways through high hazard areas.

Development Policies

1. Ports and Water-Related Industries: Ports are centers of water-borne traffic particularly inter-coastal or trans-oceanic vessels including facilities for docking, loading and unloading of cargo and raw materials, and supplies and services for the vessels.

(a) Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.

(b) Port Facilities should be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.

(c) The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

(d) Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and public road and railroad design and construction. Where feasible, all transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.

(e) Master Program planning should be based on a recognition of the regional nature of port services. Prior to allocating shorelands for port use, local governments should consider statewide needs and coordinated planning with other jurisdictions to avoid wasteful duplication of port service regions.

(f) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses and shoreline resources. Because heavy industrial activities are associated

with industrial piers and docks, the location of these facilities must be considered a major factor in determining the environmental compatibility of such facilities

(g) Because a large impact cannot be avoided due to ports or port-related uses, preference should be given to development and redevelopment of existing port areas.

2. Commercial Development: Commercial developments are those uses which are involved in wholesale and retail trade or business activities. They range from small businesses within residences, to high-rise office buildings.

   (a) Priority should be given to those commercial developments which are particularly dependent on shoreline location.

   (b) Commercial developments not requiring shoreline locations should be encouraged to locate upland.

   (c) An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.

   (d) Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.

   (e) Commercial development should, if possible, be located within already developed areas rather than isolated or new locations.

3. Residential: Residential development is the creation of residential buildings sites through land subdivision and also the construction of dwellings of all types.

   (a) Residential development should be designed with prime consideration given to shoreline protection, restoration and aesthetic enhancement.

   (b) Public access to shorelines should be encouraged in planning residential developments.

   (c) Residential development should have adequate provisions for sanitary sewage, water supply and drainage control, and storm drainage should be separate from sewage disposal systems.

   (d) Encourage up-dating of zoning and subdivision ordinances to conform to "Shorelines Management Regulations

   (e) Development in presently developed areas should be encouraged in order to utilize existing improvements.

   (f) Developments should consider all ecological features of the area such as erosion, fish and wildlife, water quality, etc.

   (g) Care should be taken during construction to utilize practices which minimize erosion.

(h) Residences may project over water provided at least one third of the floor area is upland of the ordinary high water line and the portion over the water is either cantilevered or supported on open piling. Such residences should only be permitted adjacent to navigable waters and only where the policies and regulations provide for the appropriate location of docks and piers. In designating areas appropriate for such residential development such factors as total water surface reduction, floodplain impact, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

(i) Floating residences should only be allowed as moorages located and constructed in accordance with the policies and regulations governing the location and construction of piers, docks and marinas.

(j) Planned unit residential developments which through careful siting of structures and uses respect the shoreline, soil, scenic and environmental characteristics of the site and provides more usable open space and access to the shoreline should be given priority over conventional residential subdivisions and multiple family developments.

4. Recreation: Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista or a lake, river or saltwater area.

(a) Developments which provide recreational uses facilitating public access to shorelines, and other uses dependent upon shoreline location should be encouraged. The design, siting, and development of recreation area should account for possible adverse impacts on adjacent or nearby private property.

(b) The linkage of shoreline parks and public access points through the use of linear access should be encouraged. Many types of connections can be used such as hiking paths, bicycle trails and/or scenic drives.

(c) Whenever practicable, scenic views and vistas should be preserved.

(d) To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods.

(e) Recreational developments should be of such variety as to satisfy the diversity of demands and should be compatible with the environment designations.

(f) State and local agency regulations which apply to recreation facilities, recreation watercraft should be considered.

5. Utilities: Utilities are services which produce and carry electric power, gas, sewage, communications and oil.

(a) Development of utilities underground and along existing rights of way and easements should be encouraged.

(b) Utility location and design should be planned to meet future growth and development.

6. Road and Railroad Design and Construction: A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with track for train traffic.

   (a) Roads and railroads should be located away from shorelands where feasible.

   (b) All construction should be designed to protect the adjacent shorelands against erosion, uncontrolled drainage, slides, pollution, excessive excavations and fills and other factors detrimental to the environment.

   (c) Scenic corridors with public roadways should have provision for safe pedestrian and other non-motorized travel. Also, provisions should be made for sufficient viewpoints, rest areas and picnic areas in public shorelines.

   (d) The elevation of roads should allow safe access for ordinary and emergency vehicles in times of flood. Drainage openings should be sufficient to discharge flood flows without unduly increasing flood heights.

   (e) Transportation corridors should be located to avoid unnecessary impacts on the natural environment. The impact of necessary transportation corridors and facilities should be considered in plans to expand existing land uses or establish new land uses. Planning for land use and transportation facilities should be carefully coordinated.

   (f) Road locations should fit the topography as much as possible and natural conditions should be altered as little as possible consistent with functional requirements.

7. Outdoor Advertising, Signs and Billboards: Signs are publicly displayed media whose purpose is to provide information, direction, or advertising.

   (a) Non-appurtenant signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.

   (b) The size, height, density, and lighting of signs should be controlled.

   (c) Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

   (d) Signs should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies (unless it can be demonstrated that views will not be substantially obstructed).

   (e) When feasible, signs should be constructed against buildings to minimize visual obstruction of the shoreline and water bodies.

8. Marinas: Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft and commercial fishermen.

(a) In locating marinas special plans should be made to protect the fish and shellfish resources that may be harmed by construction and operation of the facility.

(b) Marinas should be designed in a manner that will minimize damage to fish and shellfish resources and be aesthetically compatible with adjacent areas. All marinas should satisfy the hydraulics approval requirements of the State Departments of Fisheries and Game.

(c) Adequate parking should be provided and should be located as far upland as possible.

(d) Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

(e) Shallow-water embayments with poor flushing action should not be considered for overnight or long-term moorage facilities.

(f) The Washington State Department of Fisheries construction guidelines and state and local health agency standards should be consulted in planning for marinas.

(g) On shore disposal facilities for sanitary and solid wastes, and wastes from engines, bilges and holding tanks should be installed in marinas consistent with federal and state requirements.

9. Shoreline Works and Structures: This term is used to cover: bulkheads, breakwaters, rip-rap, jetties, groins, shoreline protection works, piers, levees, docks, channelization works, berms and the like.

Note: SWS means "Shoreline Works and Structures."

(a) SWS should be designed, located, constructed and operated in such a manner as to cause minimal short term, and no significant long term adverse effect on fish and shellfish habitats.

(b) Where practical, open piling is preferred for piers and docks.

(c) The effect of SWS on existing public access should be considered.

(d) SWS should be designed, where practical, to blend with the surrounding area and not detract from the aesthetic qualities of the shoreline.

(e) Where both might be applicable, floating structures are preferred to non-floating types in order to not interfere with waterlife, currents, sand movement and circulation.

(f) All SWS must be designed and constructed to accepted engineering standards.

(g) Where SWS can be located near existing SWS and still serve the desired purpose, such should be encouraged rather than installation in previously unbuilt areas.

(h) Communal SWS are preferred to the proliferation of individual SWS.

(i) The risk of oil spills or other dangers that would arise because of an SWS must be evaluated and accounted for when applying for permission to build.

(j) SWS should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard or significant injury to adjacent life, property and natural resources systems.

(k) Bulkheads, rip-rap and similar SWS should be utilized for the protection of property only, except in the urban environment where such structure and landfills may be used to raise the level of lands upland of the high water line and lands lying between the high water line and the inner harbor line.

(l) Rip-rapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for channelization, to avoid adverse impacts on nearby banks, and to protect the natural character of the waterway.

(m) Dikes and other flood protection structures should be used primarily to protect existing urban development and should be located upland of the ordinary high water line.

(n) Any structure for impoundment of water such as dams, tidegates, aquaculture enclosures, etc. should be designed so that the following impacts are not created: blocking of migrating fish passage, reduction of flushing action required to remove upstream pollutants, creation of scouring current and creation of silting problems.

Natural System Policies

1. Other Shorelines: Where the shoreline is characterized by high bluffs and slopes, activity and development should be controlled to avoid land slide and slumps. These can be caused by septic tank effluent injection near the edge, or by removal of vegetation or surface soil near the edge.

2. Estuary:

   (a) Because of poor flushing action in the upper harbor during summer low flows any necessary dredging, spoiling and filling should be scheduled during high flow seasons.

   (b) In areas subject to tidal flooding, development should be discouraged in presently undisturbed areas and encouraged where urban development has occurred or where landfilling and spoiling have altered the environment. The preferred practice is to elevate the sites above the ordinary high water line and/or use dikes to protect development from tidal flood damage.

3. Riverine Floodplains: Land use controls and strict building requirements in riverine floodplains is the preferred management practice rather than structural improvements intended to channelize the waterway. Regulations should consider

building elevations, the impact of fills on flowage and storage, emergency access, etc.

4. General: Excavation including dredging of channels and marinas, removal of sand or gravel for construction of roads or fills, excavation of drainage ditches and grading should be controlled to minimize removal of vegetation and cemented surface soil layers, release of sediment into water, removal of fertile soil, deepening of water where this would have adverse impacts on habitat, breaking the seal of an aquifer; change or blockage of current; smothering of underwater habitat; reduction of tidal flushing action or reduction of water depth where this would be adverse to production of desirable plant and animal life, or would stimulate undesirable forms; undesirable changes in shoreline configuration; reduction of floodwater capacity of a riverine floodplain, elimination of fertile marsh habitat; or creation of navigational hazards.

Amenity Policies

1. Visual Enhancement:

   (a) Unappealing operations which must have a waterfront site should be located where visual appearance, or emissions can be best screened and should be grouped together if possible to avoid spreading visual blight along the waterfront and to facilitate screening.

   (b) Urban, rural and sparsely developed shorelines should be evaluated as to their visual amenity and where amenity is generally high operations which are prone to release smoke or gases that would reduce visibility, release visible particulate fallout, discolor the sky or stimulate fog formation should not be allowed.

   (c) The natural shoreline configuration should be preserved to protect scenic beauty and to prevent inappropriate eye catchers. In prime scenic areas buildings should not rise above the skyline and where possible should be set behind an existing topographic or vegetation barrier to protect the vista. The leveling of hills or dunes, the filling of troughs or the terracing of slopes are other activities which can have the effect of creating an unnatural and visually unappealing shoreland configuration.

   (d) Outdoor advertising, above ground utilities, parking lots and structures which are not architecturally related to the site and topography should not be allowed within identified scenic corridors or vista areas.

   (e) Residential and commercial developments should locate waste collection areas away from the area between building and waterfront, should provide an attractive building facade along the waterfront and provide a building layout which maximizes vistas from adjacent public streets to the waterfront.

   (f) Density and use occupancy on recreationally attractive shorelines should be limited to avoid overcrowding and destruction of the environment by over use. These limitations should include dispersion of structures so that sightlines across the development are available to view the nearby scenery; encourage clustering of structures (planned unit development) when this will provide larger areas of natural vegetation; avoid view blockage between upland structures and shoreline vistas; encourage design of buildings,

roadways, bridge; and other service structures so that they harmonize with the environment and surrounding architectural styles, encourage location of tourist service facilities along upland access highways rather than allowing uses and service roads to penetrate into the attractive environment; protect critical vegetation areas from heavy pedestrian and vehicular use; and, spread accesses into the desirable environment rather than concentrating them.

2. Noise

   (a) Where public access to the shoreline is available operations which are prone to release noxious odors or loud or persistent noise should be discouraged or measures taken so that these adverse sensory experiences do not discourage public access or appreciation of the shoreline.

   (b) Where noise producing vehicles are allowed access in shoreline areas they should be controlled to minimize noise concentration and its effects on wildlife and recreational uses of the shorelines.

3. Archaeological Areas and Historic Sites: This includes archaeological, scientific, historic, cultural and educational structures, sites and areas which have significant statewide, regional or local value.

   (a) Where possible local government should consult professional archaeologists to identify areas containing potentially valuable archaeological data, and to establish procedures for salvaging the data.

   (b) Shoreline permits, in general, should contain special provisions which require developers to notify the local government if any possible archaeological data are uncovered during excavations.

Environmental Policies

1. Urban Environment:

   (a) The Urban Environment should include water dependent industrial, commercial and residential uses and should encourage maximum provision of public access to shoreline compatible with the shoreline use.

   (b) The amount of Urban Environment designated should be directly related to reasonable long range projections of regional economic need.

   (c) The Urban Environment should encourage utilization of existing high intensity shoreline sites and not encourage expansion of such uses into presently undeveloped areas unless there is a demonstrated need.

   (d) Urban Environment designation of presently undeveloped land should give priority to proximity to existing high intensity development.

   (e) Existing non-water related commercial and industrial uses should be encouraged to relocate to non-waterfront property and expansion of existing facility. New non-water related commercial and industrial uses should not be encouraged on waterfront property unless the type or design of the use includes unique provisions for public access and enjoyment which might not

otherwise be possible if the site were utilized by a water related commercial or industrial use.

(f) The Urban Environment should be utilized in those water areas where dredging is necessary to maintain marina, port facility and the ship channel, or where dredging and filling in the past has been utilized to create waterways within residential developments, or where dredge spoils have been used to raise the level of the land above the high water line, or where spoiling has effectively precluded the redevelopment of the Natural Environment.

(g) The Urban Environment should also be utilized in those areas where commercial or industrial uses exist or have historically existed.

(h) Areas designated as Urban Environments should be served with public water and sewage systems or such systems should be available within 3 years, and the community must have taken appropriate steps to designate the areas for high intensity use in its comprehensive land use and transportation plans.

(i) The Urban Environment allows the highest density of development and the most intense types of shoreline uses. While some control of these factors is necessary the main management focus should be on quality of development centering on such matters as pollution prevention and abatement, visual amenities, public access, site layout and design.

Administrative Policies

1. General Administration:

(a) As experience in administering the Shorelines Management Program gained and as new information on the shoreline economic, social and ecological system becomes available this program should be reevaluated. Gaps should be filled, errors corrected and the scope of the regulations shifted to better fulfill the intent of the program.

(b) In February of each year the City Council should be supplied with a summary report of shorelines management permits issued during the past calendar year by the permit administrator. The report should include comments on significant administrative determinations or appeals and should include identification of problem areas and recommendations on how the Master Program can be improved. Additional policies and regulations may be needed with regard to shorelines of statewide significance, natural systems such as the beach and the estuary, and lot size, setbacks, and building heights and should be considered during the first review.

(c) When development is proposed on a shoreline of statewide significance every effort should be made to give priority to the statewide interest over the local interest and not to depend on the Department of Ecology for representation of this interest.

(d) Special concern should be exercised when activities are proposed near the boundary of another environment with greater restrictions. Every effort should be made not to allow an activity which would significantly contrast with and adversely effect the neighboring environment.

(e) Every activity is affected by policies and regulations in several different categories and every effort should be made to look at proposed activities from all aspects and to give each aspect balanced consideration.

(f) Each proposal must be considered on its merits and the best possible technical and professional assistance should be obtained to provide the administrator with the best basis for sound determinations.

(g) 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.

2. Shorelines of Statewide Significance: When considering the appropriateness of development on shorelines of statewide significance local government and the developer should:

(a) Recognize and protect the statewide interest over local interest. This can be accomplished by:

Soliciting comments and opinions from groups and individuals representing statewide interests.

Recognizing and considering state agencies' policies, programs, and recommendation.

Soliciting comments and opinion from individuals with expertise in ecology, oceanography, geology, aquaculture, and other pertinent scientific fields.

(b) Preserve the natural character of the shoreline. This can be accomplished by:

Where intensive development already occurs, upgrade and redevelop those areas, before extending high intensity uses to low intensity use or undeveloped areas.

(c) Prefer the long-term over short-term benefit. This can be accomplished by:

Evaluating developments for short-term economic gain or convenience in light of long-term and potentially costly impairments to the environment.

Actively promoting aesthetic considerations in new development, redevelopment of existing facilities, or simply for the enhancement of the shoreline areas.

(d) Protect the resources and ecology of the shorelines. This can be accomplished by:

Severely limiting excavation or other activities that increase erosion.

(e) Increase public access to publicly owned areas of the shorelines. This can be accomplished by:

Giving priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developing upland parking.

Locating development back from the ordinary high water line so that access is enhanced.

(f) Increase recreational opportunities for the public in the shorelines. This can be accomplished by:

Encouraging facilities for recreational use of the shorelines.

3. The shorelines which are designated as shorelines of statewide significance in the City of Hoquiam are as specified as those portions of the Grays Harbor Estuary and the Chehalis River under the jurisdiction of the Act within the City limits of the City of Hoquiam and in particular as specified by the attached map which is a part of the Ordinance to be adopted by the City of Hoquiam.

Policies Which Apply to Areas within the Jurisdiction of the Grays Harbor Estuary Management Plan

In addition to the previous policies, the following policies apply to Grays Harbor, the areas within shorelines jurisdiction adjacent to Grays Harbor, the Hoquiam River below the railroad bridge across the river, and the areas within shorelines jurisdiction adjacent to the Hoquiam River below the railroad bridge.

In addition to the areas described above, where areas within the jurisdiction of the *Grays Harbor Estuary Management Plan* are outside of the jurisdiction of the Shorelines Management Act, the provisions of the Estuary Management Plan shall be enforced through SEPA reviews, Conditional Land Use Permit reviews, and all other discretionary reviews necessary for the project.

Bankline Erosion Control

Within each management unit description, the Allowable Activities Table identifies where the following policies will be applied.

Activities allowed by these policies include riprapping and minor straightening and sloping of the bankline required to stabilize upland areas and prevent accelerated erosion processes.

1. Materials to be used shall be of nonerodible quality that will allow long term stability and minimize maintenance. Some erodible materials may be used when it can be demonstrated that fish and wildlife resources will be enhanced.

2. Riprap/Bank stabilization procedures shall be confined to those areas where active erosion is occurring or new development or redevelopment requires protection for maintaining the integrity of upland structures or facilities.

3. Only clean materials may be used. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.

4. Minor modifications of the bankline may be allowed on a case-by-case basis. These alterations shall be for the purpose of stabilizing the bankline, not for the purpose of developing new upland areas.

5. Under no circumstances shall bankline erosion control be initiated for the purpose of gaining developable uplands from existing water areas.

6. All projects shall be constructed in a manner to minimize turbidity in adjacent waters.

7. In all cases, restoration of the bankline through removal and prevention of debris and solid waste build-up will be encouraged.

8. The use of concrete slabs will not be allowed for bankline erosion control unless the concrete is broken into pieces no larger than 10 square feet in surface area and placed in a manner so as to preclude slumping and displacement. It is not the intent of this section to preclude the use of old concrete but rather to ensure that when used it will accomplish the same purpose and have the same qualities as natural material.

9. The outer slope of the bankline after completion of the erosion control will not exceed a slope of 2:1.

10. Use of vegetation for bankline stability is required where technically applicable and should be in conjunction with structural forms of erosion control. Vegetation shall be self-sustaining and soil stabilizing and compatible with natural shoreline vegetation.

11. Other bankline stabilization techniques may also be appropriate and will be evaluated on a case-by-case basis.

Bankline Straightening

In specifically designated "urban" management units (identified in the Allowable Activities Table of the management unit), small fills may be allowed for the purpose of straightening the bankline to consolidate uplands for development. Management units so designated represent the best alternative areas within the estuary for maximum and efficient utilization of the uplands and bankline for water dependent and water related uses. In these cases, consolidation of the upland areas through minor filling to straighten the bankline is a means to promote efficient and effective use of the bankline areas. Where applied, the environmental impacts of such fills have not been found to be unacceptable, particularly in view of the broader objectives of the specific management units. In addition to the normal requirements for a federal Section 404 permit (see Relationship to Local, State and Federal Permitting), the following criteria will apply where Bankline Straightening is allowed:

1. This policy is only applicable in specified management units and in the adjacent Management Unit 44.

2. Bankline straightening can only occur between two existing points of land as defined by the limit of Corps jurisdiction, and when complete, the new line of Corps jurisdiction will be a straight line connecting these two points of land.

3. The maximum permitted fill within this policy is two acres measured from the Line of Non-Aquatic Vegetation (Section 404) and includes the areas defined as wetlands and is measured to the toe of the fill.

4. Fills allowed by this policy may not overlap.

5. Only piers, docks and other comparable structures may project beyond the allowable fill.

6. The outer slope of the fill will not exceed a slope of 2:1. However, a greater slope may be allowed if conditions warrant and the design is approved by state and federal resource agencies.

7. Broken concrete of sizes not to exceed 10 square feet and placed in a manner so as to preclude slumping and displacement is allowable along the fill slope.

8. Materials used on the fill slope shall be nonerodible to ensure long-term stability and minimize maintenance. Some erodible materials may be used when it can be demonstrated that fish and wildlife resources will be enhanced.

9. Only clean materials may be used for the fill and fill slope. Materials which could create water quality problems or which will rapidly deteriorate are not allowed.

10. All projects shall be constructed in a manner to minimize turbidity in adjacent waters.

11. Use of vegetation for bankline stabilization is required where technically applicable and is encouraged in conjunction with structural forms of erosion control. Vegetation shall be self-sustaining and soil stabilizing and compatible with natural shoreline vegetation.

12. In management units where bankline straightening is allowed, specific proposals must demonstrate that effective utilization of the uplands is not possible without the fill.

Log Rafting

Log rafting may be allowed in areas designated on the Log Rafting Map (Appendix A) provided that log grounding does not occur. Where log grounding occurs, the log rafting may continue only as a non-conforming use subject to the following conditions:

1. Any modification or replacement of existing structures will be allowed only if such modifications will result in a net reduction of the incidence of log grounding; and,

2. If such log rafting is discontinued for a period of time exceeding one year, it will not be allowed to resume.

Expansion of log rafting into new areas will be allowed if it is demonstrated that no grounding will occur, there will be no significant modification of the aquatic environment, excessive debris will not accumulate, and other environmental impacts are minimized. Special consideration will be given to such expansion if it will reduce the incidence of grounding at an existing area.

Mitigation

Balance is the foundation of the plan. The goals, policies and standards of the plan represent a balance between protecting the integrity of natural systems, and allowing for long term maintenance and development of the region's economy. That balance was achieved by allowing both objectives to be met within the total estuary, with the acceptance of some site-specific economic and resource impacts in return for opportunities for resource protection and economic development on an estuary wide basis.

Mitigation is part of the balance of the plan. However, state or federal agencies do not have a uniform definition of mitigation that can be used to guide its use in this plan. Therefore the plan adopts the following mitigation policy.

Policy

To be consistent with this plan, any proposed project must include any or all of the following four mitigation actions as necessary to avoid or minimize adverse impacts. The plan is built on the assumption that proposals that are consistent with the plan (including provisions contained in specific management units and 404(b)(1) guidelines) will be able to be accomplished with the use of these four mitigation levels.

Level

I Avoiding the impact altogether by not taking a certain action or parts of an action.

II Minimizing impacts by limiting the degree of magnitude of the action and its implementation.

III Rectifying the impact by repairing, rehabilitating, or restoring the affected environment on site.

IV Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

The preceding four forms of mitigation are considered sequential steps or levels of mitigation. As an example, when an adverse impact is identified in a specific project proposal, Level I mitigation measures are tried first. If the impact cannot be avoided in part or in whole with Level I mitigation, Level II mitigation measures would then be taken, and so on through Level IV if necessary.

Level V Mitigation

Compensation for the impact by replacing or providing substitute resources or environments.

In certain circumstances, the Levels I through IV mitigation measures may not be sufficient to adequately cope with significant adverse impacts or to maintain the general balance of the plan. The Estuary Management Plan identifies three such circumstances when Level V mitigation may be required:

1. Where Special conditions in a management unit specify that Level V mitigation is required (e.g. Management unit 15); or

2. When the plan is amended through the formal amendment process for a proposal that is not consistent with the plan; or

3. When significant new information is discovered (see page 28) through a proposal (generally at the permit stage) that is otherwise consistent with the plan, but had the information been available or known at the time the plan was prepared, a different management decision would have been made. To the extent such a proposal is allowed and/or modified through the permit process, Level V mitigation may be required and the plan may be considered unbalanced. In such circumstances, the plan would be rebalanced during the next annual or five year review.

Level V Mitigation and the Discovery of Significant New Information

When significant new information is uncovered in the course of a permit application, and had the information been known at the time the *Grays Harbor Estuary Management Plan* was prepared, a different management decision would have been made for the area, at least three outcomes are possible:

1. The proposal is allowed but Level V mitigation is required to adequately deal with significant adverse impacts.

   In this case, since the level of development envisioned by the plan has been allowed to occur (even though it required some Level V mitigation), the plan remains in balance.

2. The proposal is allowed, but even with Levels I through V mitigation the resulting development is in a form that is considerably reduced from what the plan would have otherwise allowed, and represents a loss of development potential in the management unit.

   In this case, since substantially less development than the plan envisioned has actually been able to occur (even with Levels I through V mitigation), the plan is unbalanced by the amount of the lost development potential.

3. The proposal is disallowed.

   In this case, Levels I through V mitigation were inadequate to accommodate the significant adverse impacts and the management unit designation in the plan is incorrect. In these circumstances, the plan is unbalanced by the amount of the lost development potential in the management unit and will be rebalanced at the next annual or five year review.

In the first two circumstances, if the required Level V mitigation results in the permanent loss of designated development potential in some other area of the estuary, the plan will be unbalanced by the amount of that lost potential and will be rebalanced in the next annual or five year review.

Base Information

Determination of significant new information is measured against the base of information contained or referenced in the *Program Final Environmental Impact Statement, Washington State Coastal Zone Management Program Amendment No. 3: Approval and Adoption of the Grays Harbor Estuary Management Plan*;

Washington State Department of Ecology/U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management; 1986.

Amount of Level V Mitigation Required

When Level V mitigation is required to account for significant new information, the amount required is calculated only on the newly discovered resource values in excess of the values identified in the Base Information, and only for values that cannot be accounted for with Level I through IV mitigation measures.

Disposal Of Wood Waste

Disposal of wood waste in areas under the jurisdiction of the Shoreline Management Act is not allowed unless the primary purpose for creating the fill is for a use other than waste disposal. Proposals to use wood waste to create a development site may be allowed in limited circumstances and must be evaluated on a case-by-case basis. In all circumstances, a proposal must demonstrate that sound engineering practices have been used to insure the physical and chemical impacts of wood waste fill can be confined within the fill area and that the proposal is otherwise consistent with applicable agency policies.

Historic And Archaeologic Sites

While known historic and archaeologic sites have been considered in the management decisions of this plan, it is anticipated that in the course of individual project design and construction, other historic or archaeologic information may be uncovered. To ensure that adequate measures are employed, the following general policies will apply:

1. Projects in areas of known historic or archaeologic sites will be required to include an additional archaeologic reconnaissance survey with permit applications.

2. If additional information of significance is identified in a reconnaissance survey, more detailed monitoring or investigation may be required prior to or during the construction process.

3. If, in the course of a construction project, suspected historic or archaeologic artifacts are uncovered, the local jurisdiction and state archaeological office will be notified for guidance on the proper disposition of the material.

Public Access

Ensuring the public's right and opportunities for visual and physical access to the shoreline and resources of the harbor is an important part of the State's Shoreline Management Program and the Grays Harbor Estuary Management Program. Protection of private property rights and sensitive natural resources and maintaining public safety are equally valued by each program.

To achieve these goals, the following policies apply:

1. Public access in Natural and Conservancy Natural areas will be discouraged unless facilities are specifically provided to accommodate public use of the area or unless the public use does not impact the resources of the area.

2. Opportunities for public viewing of all industrial waterfront areas are strongly encouraged, but in a manner where neither public safety nor industrial operations are jeopardized.

3. Public agencies are encouraged to provide specific facilities for viewing harbor resources and for achieving direct physical access to the water area. Such facilities must be located and designed to minimize impact on resources.

4. In all cases, planned public access, either as a part of private project approved through a local Substantial Development Permit or as a public project initiated by a public agency, must be consistent with the Management Objectives, Allowable Activities and Conditions of the Management unit within which the project is located.

5. Planned public access should be located where it will not cause unnecessary disruption to adjacent private property.

Planning Area III Policies

All of Hoquiam which is within the jurisdiction of the *Grays Harbor Estuary Management Plan* is within Planning Area III.

Area Description

- Predominant Character

Planning Area III is a mixture of urban-industrial development and natural resource areas. The predominant developed character is heavy industrial and port facilities. Within the natural resource areas, the character is tide flats and salt marsh.

- Major Existing Uses

Existing developed uses include: major industrial and port development, regional air and rail transportation, upland log storage, and dredged material disposal. Existing resource uses include: water fowl and shore bird resting, feeding and rearing areas, fish rearing and passage, crab rearing and commercial fishing.

- Major Existing or Potential Conflicts

Conflicts exist between demands for the development of new industrial areas and the loss of fish and wildlife habitat that would result from filling and dredging. There is also a potential for a similar conflict if the area is used for dredged materials disposal associated with both channel deepening and maintenance.

- Planning Area Assets

The planning area represents the prime remaining area for large industrial expansion in immediate proximity to the navigation channel, land-based transportation facilities, other urban facilities and a local labor force. At the same time, it represents an area of high food production for water fowl, shore birds, crab and fish.

Planning Area Guidelines

Management of the Natural Resource

- Bankline

In the eastern portion of the planning area, the bankline will continue to be highly altered. While the bankline in the central portion will be partially altered through upland development, much of its present configuration will remain unchanged. Along the north shore, the riprap along the road and rail line will remain. The bankline in the Rennie Island area will be managed in accordance with its short and long-term management objectives.

- Water Area

The water area serves as a primary transportation corridor in the south and as a natural resource area north of the airfield. The primary alteration of the water surface will occur west of the airfield, and in specific locations along the north bankline, and in areas adjacent to the navigation channel.

- Water Quality

Any new or redeveloped uses within the planning area will be required to meet water quality standards. Waste discharge should not cause a degradation in the existing water quality and should be balanced against the assimilative capacity of the area. New discharges will also be evaluated against any detrimental effects they might have to the waste treatment efforts of existing industry.

- Fish and Wildlife

This area is considered to have some of the prime fish habitat in the estuary. Of particular importance will be the protection of fish and shellfish migration and feeding areas along the shoreline, north of the navigation channel. Additionally, the Rennie Island area will serve as a potential location for future wildlife habitat development and enhancement.

- Vegetation

Vegetation in the Rennie Island area and north of the airfield will be preserved consistent with Special Conditions cited in the management units.

- Aggregate and Minerals

While there are no known aggregate or mineral deposits in the planning area, utilization of upland areas for aggregate reclamation of dredge materials is considered generally consistent with the overall character of the planning area.

Development Within the Area

- Economic Base

This is the central area for major economic expansion in the Grays Harbor region. As such, use of the land and water areas will be primarily for heavy industry directory related to the region's primary economy.

- Use Character

The overriding character of the planning area is high intensity urban development consistent with other planning area guidelines.

- Recreation

Recreational activities will be principally confined to wildlife observation. However, other compatible recreation activities will not be precluded.

- Resource Harvesting

Resource harvesting is not a primary activity in this planning area, but is acceptable consistent with other planning area guidelines.

- Navigation

The authorized navigation channel in this planning area is a major transportation corridor and will be maintained. Navigation aids throughout the planning area for deep and shallow draft vessels will be maintained where appropriate.

- Structures and Fills

In-water and shoreline structures are allowable within this planning area. Fills are allowable in this planning area in accordance with specific management unit guidelines.

Management Unit Policies

Management units provide specific guidance to planning and development as well as management of the natural resources throughout the estuary. Most management units are segments of the shoreline and include both upland and aquatic areas down to the line of Ordinary High Water. The aquatic area below the Line of Ordinary High Water is Management Unit 44. There are also a few special "in-water" management units.

Each management unit contains a designated Management Category, a statement of the overall Management Objective for the unit, a listing of the Allowable Activities in the unit and a reference to appropriate Standard Uses. Some management units contain Special Conditions that describe circumstances that are unique to that particular unit and that may impose additional standards on uses and activities.

Management Unit 44 is the largest, most unique, and perhaps most difficult to manage area in the estuary. As the "water" area of the harbor, it is the important connection to many of the adjacent upland uses. It is also the foundation for natural resources in the estuary. The management objective in Management Unit 44 attempts to balance the relationship between these needs and uses. While overall, this unit will be managed for its natural resources, it will also be managed to support adjacent shoreland areas where uses and activities that require connection to the water areas are allowed.

Chapter 11.05
Title and Purpose

Sections:

11.05.010 Title
11.05.020 Purpose

11.05.010 Title. Chapters 11.05 through 11.28 of this Ordinance shall be known and may be cited as "The Shoreline Management Master Program Regulations.". This Ordinance may refer to itself internally as "These Regulations", the Regulations, or the Shorelines Master Program.

11.05.020 Purpose. This Ordinance is intended to carry out the responsibilities imposed on the City of Hoquiam by the Shoreline Management Act of 1971. The actual purpose of these regulations is thus the same as the purpose of the Act itself. It is recognized that the shorelines of the State of Washington are among the most valuable and fragile of its natural resources and that 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 of the City. The City Council finds that much of the shorelines of the City and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the City is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the City while, at the same time, recognizing and protecting private property rights consistent with the public interest. 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 City's shorelines.

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

The City Council declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. In adopting the guidelines for shorelines of statewide significance the City Council has given preference to the uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline; and,

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the City shall be preserved to the greatest extent feasible consistent with the overall best interest of the City and the people generally. To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the City's shorelines. Alterations of the natural condition of the shorelines of the City, in those limited instances when authorized, shall be given priority for family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the City, industrial and commercial development which are particularly dependent on their location on or use of the shorelines of the City and other development that will provide an opportunity for substantial numbers of the people and to enjoy the shorelines of the City.

Permitted uses in the shorelines of the City shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Chapter 11.06
Application of Regulations

Sections:

11.06.010 Application of Regulations

11.06.010 Application of Regulations. These regulations shall apply to all the lands and waters in the City which are under the jurisdiction of the Shorelines Management Act of 1971.

These regulations shall apply to every person, firm, corporation, local and State governmental agency and other non-Federal entities which would develop, use and/or own lands, wetlands, or waters under the control of this Master Program. Further, these regulations shall apply except as provided in Section 1.030 to all present and future situations found within the area of jurisdiction.

Chapter 11.07
Relation of Regulations to Permits and Notification

Sections:

11.07.010 Relation of Regulations to Permits and Notification

11.07.010 Relation of Regulations to Permits and Notification. For administrative purposes all conceivable forms of development or use of shoreline areas subject to these regulations fall into two categories:

(1) Uses or developments which according to Section 11.20 require the obtaining of a Substantial Development Permit.

(2) Uses or developments which do not require Substantial Development Permits.

These regulations can be modified, or varied for specific cases by making the appropriate findings during the course of the permit procedure as explained in Section 11.22. Only by following the variance procedure can there by any deviation from the strict interpretation of these regulations.

Chapter 11.08
Development Regulations

Sections:

11.08.010 Siting Regulations
11.08.020 Design Regulations
11.08.030 Earthchanging Regulations
11.08.040 Public Access
11.08.050 Restoration
11.08.060 Scenic View and Vista Regulations
11.08.070 Valuable Site and Structure Protection Regulations

11.08.010 Siting Regulations. The uses listed in the shorelines environments are primarily intended to preserve shorelines for those uses which are more in need of shoreline sites than those which are not.

11.08.010 Design Regulations. This section applies to the site design of shoreline developments. The design of buildings themselves is not regulated except by virtue of the site design constraints herein.

(1) Those aspects of a shoreline use which do not need to locate near the shoreline (incidental off-street parking, accessory buildings, storage areas, etc.) shall be located as far upland from the shorelines as site utilization requirements permit.

(2) No structure that would significantly interfere with the passage of stream waters or flood waters will be permitted except when the blocking of such passage is specifically intended and authorized by permit.

(3) When no bulkheads or other protective structure are required or intended the water's edge shall be kept or restored to its natural contour, shape, and appearance.

(4) In large developments, public access rights-of-ways and improvements will be required if the shoreline or waters to be given access are of an appropriate nature and can withstand the access. Access will be restricted if the development could pose a hazard by its very nature, such as a sewage treatment plant or shipyard.

(5) All bridges and other water crossing structures shall be designed to not impede the normal annual high water flow. Bridge approaches and side slopes shall be stabilized. Bridges, water control devices and structures, dredging, vista points, log rafting and storage and similar uses which require location under, on or above water shall be located and designed to minimize interference with navigation and visual amenity.

(6) Where property has been previously impacted or disturbed by man, and a part not so disturbed; then, where reasonable, new development shall occur on the previously disturbed section of property.

(7) Streets not intended for stream crossing approaches shall be kept as far upland of the stream edges as reasonably possible.

(8) Sign Regulations. Signs shall conform to the Hoquiam Zoning Ordinance, the Hoquiam Sign Code, and the Uniform Sign Code. Signs shall be located so that the least amount of obstruction of the shorelines occurs. Scenic vistas shall not be obstructed by any sign except for historical or public information signs that relate to the area.

(9) Docks, piers, and other water-land connectors shall comply with the following:

(a) Where harbor lines have been designated, docks, piers, and other water-land connectors shall be located shoreward of the outer harbor line.

(b) Where harbor lines do not apply, docks, piers, and other water-land connectors shall project the minimum distance necessary to service the appurtenant vessels and shall not create a hazard to navigation.

(c) Individually owned, single resident type piers, boat docks, floats, platforms and similar moorage facilities are permitted where it can be shown that a joint use moorage facility is not feasible.

(d) Joint use moorage facility shall be required for residential developments, recreational developments, and commercial developments.

(10) Bulkheads, landfills and marinas shall be planned and designed in conformance with the criteria of the Washington State Department of Fisheries in Chapter 248.148 of the Washington Administrative Code. Bulkheads and landfills shall be located shoreward of the inter harbor line or the ordinary high water line in the urban environment; provided that priority shall be given to landfill for water dependent and water related uses.

11.08.010 Earthchanging Regulations. This section applies to all acts which alter the existing or natural contour of the land, wetland or bottomland. Such acts as mining, dredging, land clearing, grading, road building, landfilling and the like. Land, wetland, and bottom land shall all be termed "land" for this Section.

(1) Land shall be restored to a natural contour after mining.

(2) Protection from siltation and erosion shall be provided for all earthchanging acts.

(3) Where landfill does occur, the fill material used shall be such that the leachate resulting from it will cause no more serious a degradation in water quality than naturally occurring leachate from surrounding lands.

(4) Earthchanges shall not interfere with free passage of stream and flood waters except where such is specifically intended and authorized.

11.08.040 Public Access. Provision of public access to appropriate waters is a goal of this Master Program, and, while the acquisition development and maintenance of public access facilities is the duty of government, any development which would have the effect

of substantially increasing the demand for public access to a particular body of water shall have the responsibility of providing government with appropriate areas of land to allow government to discharge its duties. Should the Administrator find that a particular form of development or a particular proposal will substantially increase the demand, such finding shall be substantiated with appropriate data and recorded in the office of the Administrator.

(1) Projects of which public access dedications are required may satisfy the requirements in any way seen to be appropriate, and harmonious with the project itself.

(2) All methods of satisfying public access requirements shall involve the dedication of lands, whether strips along the shoreline, access road right-of-way, or other useable dedications. Developers are not required by these regulations to improve the dedicated parcels of land other than the survey of such parcels which is a necessary part of any dedication of land to be used for the public. However, this shall not preclude local government from requiring improvements on dedicated parcels as a condition for development.

(3) The Administrator may exempt certain projects from the public access requirements on the basis of size of the projects, or if the government already owns a sufficient amount of appropriate land to meet the public access needs.

(4) For all projects, the Administrator shall examine the possibility of requiring public access dedications and shall make record of his findings in each case.

(5) It is intended that the public access dedications of the project be commensurate with:

(a) The size of the project.

(b) The shoreline frontage of the project.

(c) The characteristics and limitations of the body of water involved.

(d) The expected demand resulting from the project.

(e) The existing access facilities.

(f) The design of the project.

(g) The existing street pattern.

(h) The type of access to be given, whether actual, scenic, boat, swimming or other type.

Since each project will have differing characteristics, no attempt will be made in these regulations to standardize public access requirements in terms of amounts of land or dimensions, however, the Administrator shall see that each of the above matters relative to public access is considered in the project proposal.

11.08.050 Restoration. Restoration of shoreline areas shall mean either returning the area to its natural state, or cleaning up the area to remove litter, debris, abandoned structures, pilings to present a neat and tidy appearance. Restoration of the first type is

expected only after a use of structure is to be discontinued or removed such as gravel mines or temporary structures, and then only where the area is not to be turned to other uses or structures.

Restoration of the second type shall occur with or at the completion of all developments. No specific standards are imposed in these regulations as to the degree of tidiness or what specific actions such restoration might require since the characteristics of each development or project will differ.

However, every Substantial Development Permit will contain the Administrator's findings concerning restoration. Such findings will include a statement as to whether restorative actions will be required for the project at all, and if such actions are needed the details of each shall be spelled out on the permit.

11.08.060 Scenic View and Vista Regulations. All applications for Substantial Development Permits must be evaluated for possible detrimental effects on scenic views and vistas. The possible blocking of residential views will be examined. Disruption of scenic vistas will be examined. If some detrimental effects on views or vistas are determined to be the case, the Administrator shall make record of the case and place conditions on the permit so as to minimize said detrimental effect. Such conditions may include, but are not limited to:

(1) Limitations of height structures, as per RCW 90.58.320.

(2) Requirements for screening.

(3) Requirements for underground utilities.

(4) Requirements regarding outdoor advertising, decoration, and lighting.

(5) Restoration requirements.

(6) Requirements for retention of appropriate vegetation.

Should the Administrator determine that there will be no adverse effect on scenic views or vistas, such determination will be noted.

Should a particular project be so disruptive of scenic views and vistas that no amount of special requirements will ease the disruption, then the application may be denied, if the project could reasonably be located somewhere else.

11.08.070 Valuable Site and Structure Protection Regulations. These regulations are designed to protect sites and structures seen to have historic, educational, cultural, scientific or archaeological value.

(1) Where alternative sites can be used, a site or structure recognized as valuable will not be disturbed.

(2) After finding of fact, the legislative body will determine if a site or structure is to be recognized as valuable.

(3) The State of Washington may also declare a site or structure to be valuable.

(4) If there should be an attempt to destroy a valuable site or structure, or potentially valuable site or structure which is yet unrecognized, persons wishing to prevent such destruction may attempt to do so by filing objection with the permit authority. Denial of a permit which would result in destruction shall be based only upon:

(a) Other alternatives are economically available to the applicant, or

(b) Objecting parties have made a bona fide offer which results in no economic loss to the applicant, by means of an offer to acquire the site or structure, or similar means.

Chapter 11.09
Shorelines Environmental Designation Map and Adoption of Regulations For the Map

Sections:

11.09.010 Shoreline Environmental Designation Map Adoption of Regulation For

11.09.010 Shoreline Environmental Designation Map - Adoption of Regulation For. There is hereby made a part of this Program, a map which shall be officially known as the "Shoreline Environment Designation Map", but which, for the purpose of brevity shall be referred to in this Program as "The Map". There shall be only one official copy of this map which shall reside in the custody of the City Engineer. There may be unofficial copies of this map prepared for administrative purposes. The lines and information displayed on the map shall not be altered except through the procedure presented in Section 1.230 of these Regulations.

The Map will show the area of Hoquiam which is under the jurisdiction of the Master Program.

Where uncertainty or conflict may occur in the exact location of a jurisdiction boundary line, or environment boundary line, the official designations prepared by the Department of Ecology will be used. Where this does not resolve the conflict, the following rules will apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following the corporate limits shall be construed as following such corporate lines.

(4) Boundaries indicated as following railroad lines shall be construed to be half-way between railway right-of-way lines.

(5) Boundaries indicated as following shorelines of lakes or rivers shall be construed to follow such shorelines 200 feet to the upland side, and in the event of change in a shoreline shall be construed as moving with the actual shoreline.

(6) Boundaries indicated as parallel to or extension of features indicated in subsections (1) through (5) shall be so construed.

(7) Distances not specifically indicated on the map shall be determined by the scale of the map.

(8) Where physical or cultural features existing on the ground are at variance with those shown on the map or in other circumstances not covered by (1) through (6) of the above, the Administrator shall interpret the boundaries.

Chapter 11.10
Urban Environment Regulations

Sections:

11.10.010 Purpose
11.10.020 Permitted Uses
11.10.030 Conditional Uses
11.10.040 Minimum Lot And Water Frontage

11.10.010 Purpose. The Urban Environment is intended for the most intensive human use of the shoreline. All forms of human development and activity which make use of shoreline areas are appropriate for the Urban Environment.

11.10.020 Permitted Uses. The following uses are permitted within the urban environment subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines substantial development permit has been obtained. The permitted uses are: residences; parks, public and private, public access areas, routes, and devices; hotels, motels, condominiums; restaurants and taverns; docks, piers, and other water-land connectors; water control devices and structures; water-related commercial uses; on-premise outdoor advertising; marinas and boat basins; shipyards and other watercraft industries; port facilities; water-related industries; aquaculture uses and structures; agriculture; fishing and other water sports; mobile home parks; watercraft of all kinds; necessary bridges; log storage; public utilities; bulkheads and other protective devices not associated with landfills as part of another use or for protection of uplands; dredging and mineral extraction; parking lots for vista purposes only; and pollution control facilities

11.10.030 Conditional Uses. The following uses are allowed within the urban environment subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines conditional use permit has been obtained. The following is a list of conditional uses, these and other unlisted uses may be allowed as conditional uses only: parking lots - nonvista; non-water related industry; non-water related commercial uses; Landfills - water related; landfills - non-water related fills landward of the ordinary high water mark as defined in RCW 90.58.030; solid waste disposal; off-premise outdoor advertising; Wood waste landfills; timber harvesting and management; and bulkheads associated with landfills.

11.10.040 Minimum Lot And Water Frontage.

(1) The minimum lot size in the urban environment shall be 5,000 square feet except in planned unit residential developments and condominiums and in commercial and industrial zones where lot sizes shall conform to the Zoning Ordinance.

(2) Any lot established after the adoption of this Ordinance which is within 100 feet of a shoreline shall have at least twenty (20) feet of frontage on the shoreline, or an equivalent area lying between the parcel and the shoreline shall be available for access by lot owners to the shoreline. This requirement may be waived if the wetland is sufficiently fragile or hazardous as to make such access undesirable.

(3) The average width of a lot in the urban environment shall be at least 40 feet, subject to the exception as stated in (1) above.

Chapter 11.11
Urban Development Environment Regulations

Sections:

11.11.010 Purpose
11.11.020 Permitted Uses
11.11.030 Conditional Uses
11.11.040 Purpose, Permitted Uses, and Conditional Uses Apply to All Urban Development Management Units
11.11.050 Unlisted Uses
11.11.060 Minimum Lot And Water Frontage

11.11.010 Purpose. The Urban Development management category designates areas where the predominant uses are or will be industrial and commercial development. The intent of the designation is to provide for efficient utilization of such areas primarily for water-dependent/water-related commerce and industry that are directly related to the region's primary economy.

11.11.020 Permitted Uses. The following uses are permitted within the Urban Development Management Units subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines substantial development permit has been obtained. The permitted uses are: dock and warehouse facilities; port terminal facilities; ship berthing; barge berthing; ship construction and repair; navigation aids; heavy industry; light industry; water dependant industry; forest products processing; mineral extraction and storage; ferry terminal; shipping; roads and railroads; airports; overhead utility corridor; submerged utility corridor; aquaculture; fish and food processing; boat sales, construction, and repair; marina; public fishing areas; pleasure boating; public boat ramp; parks, parkways, and other types of public access; and living resource production and habitat.

11.11.030 Conditional Uses. The following uses are allowed within the Urban Development Management Units subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines conditional use permit has been obtained. The conditional uses are: None.

11.11.040 Purpose, Permitted Uses and Conditional Uses Apply to All Urban Development Management Units.

(1) The purpose in this chapter applies to all Urban Development Management Units.

(2) The listing of permitted and conditional uses in this chapter applies to all Urban Development Management Units unless the Management Unit specifically prohibits the use.

(3) The minimum lot size and water frontage in this chapter applies to all Urban Development Management Units.

11.11.050 Unlisted Uses. All other uses are generally inappropriate in the Urban Development Management Units and shall not be allowed as conditional uses or through variances.

11.11.060 Minimum Lot And Water Frontage.

(1) The minimum lot size in the Urban Development Management Units shall be 5,000 square feet except in planned unit residential developments and condominiums and in commercial and industrial zones where lot sizes shall conform to the Zoning Ordinance.

(2) Any lot established after the adoption of this Ordinance which is within 100 feet of a shoreline shall have at least twenty (20) feet of frontage on the shoreline, or an equivalent area lying between the parcel and the shoreline shall be available for access by lot owners to the shoreline. This requirement may be waived if the wetland is sufficiently fragile or hazardous as to make such access undesirable.

(3) The average width of a lot in the urban environment shall be at least 40 feet, subject to the exception as stated in (1) above.

Chapter 11.12
Conservancy Managed Environment Regulations

Sections:

11.12.010 Purpose
11.12.020 Permitted Uses
11.12.030 Conditional Uses
11.12.040 Purpose, Permitted Uses, and Conditional Uses Apply to All Conservancy Managed Management Units
11.12.050 Unlisted Uses
11.12.060 Minimum Lot And Water Frontage

11.12.010 Purpose. The Conservancy Managed category protects areas for purposes that directly use or depend on natural systems. While it is not intended that such areas will be preserved in their natural state, the activities which occur in these areas will be compatible with the natural systems.

Managed is the key word in this classification. This classification allows uses which depend on the natural system for: production of food, recreation, recognized scientific research, or public access for recreational uses. Recreation uses will be water dependent and designed to maintain the quality of the natural features of the area.

11.12.020 Permitted Uses. The following uses are permitted within the Conservancy Managed Management Units subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines substantial development permit has been obtained. The permitted uses are: navigation aids; commercial fishing (including shellfish fishing/gathering); oyster culture; aquaculture; public fishing areas; water dependant hunting; pleasure boating; camping; public boat ramp; agricultural residences; passive agriculture; subsistence farming and local market farming; tree farms; wildlife refuges; and living resource production and habitat.

11.12.030 Conditional Uses. The following uses are allowed within the Conservancy Managed Management Units subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines conditional use permit has been obtained. The conditional uses are: mineral extraction and storage; ferry terminal; roads and railroads; overhead utility corridor; submerged utility corridor; fish and food processing; parks, parkways, and other types of public access; low intensity rural residences; and estuarine and marine sanctuaries.

11.12.040 Purpose, Permitted Uses and Conditional Uses Apply to All Conservancy Managed Management Units.

(1) The purpose in this chapter applies to all Conservancy Managed Management Units.

(2) The listing of permitted and conditional uses in this chapter applies to all Conservancy Managed Management Units unless the Management Unit specifically prohibits the use.

(3) The minimum lot size and water frontage in this chapter applies to all Conservancy Managed Management Units.

11.12.050 Unlisted Uses. All other uses are generally inappropriate in the Conservancy Managed Management Units and shall not be allowed as conditional uses or through variances.

11.12.060 Minimum Lot And Water Frontage.

(1) The minimum lot size in the Conservancy Managed Management Units shall be five (5) acres.

(2) Any lot established after the adoption of this Ordinance which is within 100 feet of a shoreline shall have at least twenty (20) feet of frontage on the shoreline, or an equivalent area lying between the parcel and the shoreline shall be available for access by lot owners to the shoreline. This requirement may be waived if the wetland is sufficiently fragile or hazardous as to make such access undesirable.

(3) The average width of a lot in the urban environment shall be at least 100 feet.

Chapter 11.13
Special Environment Regulations

Sections:

11.13.010 Purpose
11.13.020 Development Requirements Controlled by Management Unit with which Special Management Unit is Combined

11.13.010 Purpose. Management units designated *Special* contain features or circumstances that require management through Special Conditions that are unique to that management unit. The general definition of any of the other Management Categories is inadequate to describe the projected management of management units designated *Special*.

11.13.020 Development Requirements Controlled by Management Unit with which Special Management Unit is Combined. The allowed uses, minimum lot size, and any other development standards shall be controlled by the management unit type with which the *Special* designation is combined.

Chapter 11.14
Estuary Management Plan
Management Unit 14 Regulations

MANAGEMENT UNIT 14
PLANNING AREA III

11.14.010 Management Category

UD - Urban Development

11.14.020 Boundary Description

Western Boundary - Management Unit 12, City of Hoquiam Boundary
Eastern Boundary - Adams St extended to the shoreline.
Master Program Jurisdiction Boundary - 200 feet landward from the ordinary high water mark and any marshes, bogs, or swamps farther than 200 feet landward from the ordinary high water mark.
Waterward Boundary - This management unit shall extend waterward to the line of Ordinary High Water.

11.14.030 Management Objectives

The uplands portion of this management unit is one of the prime areas for continued heavy industrial expansion with an emphasis on water related and dependent uses. The bankline within this management unit is considered an important fish and shellfish migrating and feeding area. Any development within the bankline will be done with utmost care.

11.14.040 Special Conditions

The following special conditions will apply within this management unit:

1. A very limited number of "T" docks will be allowed within this Management Unit. The principal concern with these structures is the number of trestle connections to the shore rather than the length of the dock structure at the navigation channel.

2. Limited filling will be allowed for the approach to "T" docks or other channel approach structures. The purpose of such filling will be to ensure a safe and efficient connection to the shore and to reduce the high costs of such structures. State and federal agencies will review the proposed fill to ensure that there is a minimum intrusion on fish and shellfish migration. The practicability of fill versus pile structures for

specific projects will be assessed during permit evaluations.

11.14.050 Area 7 Special Conditions

AREA 7 - HOQUIAM FILL
(See Management Unit 12 Exhibit in Appendix G)

Area 7 currently includes approximately 42 acres of land below the line of non-aquatic vegetation. This area and much of the adjacent land is owned by the City of Hoquiam. It is bounded on the west by Management Unit 12, Area 1.

Implementation Conditions

Because of the proximity to Management Unit 12, Area 1 (commonly known as Bowerman Basin), and because of unknown future conditions that may apply to Area 7, the following special conditions shall apply prior to any development:

1. No development shall be permitted in Management Unit 14, Area 7, for a period of 10 years from the time of Plan adoption. However, the Task Force may consider lifting this restriction at an earlier date. At the end of the 10-year period, if the moratorium is still in effect, the Grays Harbor Estuary Management Task Force will convene to re-examine Area 7, and either: 1) allow development, based on special conditions 2, 3, 4, and 5 below; or 2) extend the moratorium for another predetermined period.

At such time as development is allowed, the special conditions listed below shall apply:

2. At no time shall wetland fill exceed 20 acres in Area 7. All such allowable fills shall be placed at the farthest feasible distance from Management Unit 12, Area 1.

3. When a permit is issued for wetland fill in Area 7 for industrial development, fee title shall be transferred to the State Department of Game or U.S. Fish and Wildlife for that portion of the Area 7 wetland adjacent to Management Unit 12, Area 1, on the basis of 3.0 acres transferred for each acre filled. If insufficient acreage remains in Area 7 to satisfy this 3.0:1 transfer to fill ratio, portions of Management Unit 12, Area 1 equal to this requirement shall be deeded to the Department of Game or U.S. Fish and Wildlife. All transferred property will be managed in conjunction with management Unit 12, Area 1 criteria. This transfer will permanently establish a balance that is essential to avoid unacceptable adverse impacts to the aquatic ecosystem, including wetlands (within the meaning of Section 404 guidelines) that might result from future fills allowed in the Grays Harbor Estuary Management Plan.

4. Any wetland filling in this area will be subject to approval through the Section 404 permit process. However, in the context of the total Management Unit and the total Estuary Management Plan, such filling is not considered to have an unacceptable adverse impact on the aquatic ecosystem, including wetlands. In addition, the geographic location of this area, particularly its great distance from the authorized federal navigation channel, will be taken into account in permit determinations related to water dependency.

5. As filling occurs, it will be done in accordance with disposal practices approved through the permit process, including the use of containment structures surrounding each fill to preclude the unnecessary dispersal of fill material to the adjacent aquatic area. Although the plan views this area as a fill site rather than a dredged materials disposal site, the use of dredged material for fill meeting these special conditions is appropriate.

Chapter 11.15
Estuary Management Plan
Management Unit 15 Regulations

MANAGEMENT UNIT 15
PLANNING AREA III

11.15.010 Management Category

UD - Urban Development

11.15.020 Boundary Description

Western Boundary - Management Unit 14 (Adams St.).
Eastern Boundary - The extension of Michigan Street to the shoreline
Master Program Jurisdiction Boundary - 200 feet landward from the ordinary high water mark and any marshes, bogs, or swamps farther than 200 feet landward from the ordinary high water mark.
Waterward Boundary - This management unit shall extend waterward to the line of Ordinary High Water.

11.15.030 Management Objectives

This area will serve as one of the principal areas for heavy industrial expansion for the Grays Harbor region. The emphasis on use will be for water-related and dependent uses and re-development of already developed lands.

11.15.040 Special Conditions

1. Filling and/or development of the existing Port slips will be allowed subject to applicable local, state and federal regulations. Such filling however, is not considered to be an unacceptable adverse impact in the context of the total Estuary Management Plan.

2. Any other filling that may occur in this management unit also must meet applicable local, state and federal regulations. By so doing, it is not the intent of this plan to preclude the property owners from submitting proposals that might include the filling of areas adjacent to this management unit. However, in such circumstances, any proposal must demonstrate that the immediately adjacent uplands are (or will be) fully developed with water dependent uses; there are no practicable means of developing without such fill; and, a Level V mitigation project (see Mitigation section) must be developed and approved by state and federal resource agencies in advance of permit approval, and an implementation schedule for

the mitigation project committed to and initiated at the time of permit issuance.

3. Limited filling will be allowed for the approach to "T" docks or other channel approach structures. The purpose of such filling will be to ensure a safe and efficient connection to the shore and to reduce the high costs of such structures. State and federal agencies will review the proposed fill to ensure that there is a minimum intrusion on fish and shellfish migration. The practicability of fill versus pile structures for specific projects will be assessed during permit evaluations.

4. A public boat ramp is believed appropriate within this management unit.

Chapter 11.16
Estuary Management Plan
Management Unit 43 Regulations

MANAGEMENT UNIT 43
PLANNING AREA III

11.16.010 Management Category

CM - Conservancy Managed

11.16.020 Boundary Description

The Rennie Island area including the dredge spoils island to the west out to the line of Ordinary High Water.

11.16.030 Management Objectives

This area has served as a dredge materials disposal area and as a waste treatment pond for many years. While dredge spoiling will continue in the area for some time, the long term use will be for wildlife and water fowl habitat enhancement and development.

There may be opportunity to use dredged materials in this area to develop marsh habitat through experimental management programs.

11.16.040 Special Conditions

In addition to Standard Uses and Allowable Activities, the following conditions also apply:

1. In the area currently used for waste treatment ponds, inlet pipes and outfall structures may continue to be used in support of requirements of state and federal waste discharge permits.

2. The disposal of dredged materials will be allowed to continue in those areas presently authorized.

3. Experimental resource utilization and habitat development programs such as those currently available through the Corps of Engineers may be pursued subject to design and review by the state and federal resource agencies.

Chapter 11.17
Estuary Management Plan
Management Unit 44 Regulations

MANAGEMENT UNIT 44
PLANNING AREA ALL

11.17. 010 Management Category

CM - Conservancy Managed

11.17.020 Boundary Description

All the water and tideland area waterward of the Ordinary High Water Line not included in other designated management units (see Special Conditions below also).

11.17.030 Management Objectives

This special management unit includes all the remaining area within the estuary not covered by other management units. It is essentially all the water area and is intended to be managed for multiple uses within an overriding "conservancy" designation. The conservancy designation is designed to protect areas for purposes that directly use or depend on natural systems. Activities which occur in the estuary should therefore be compatible with those natural systems in order to maintain the carrying capacity and biological productivity of the bay. Because those systems are easily upset by man-made disturbances, special conditions are imposed to ensure that activities are carried out in a manner which does not reduce or degrade these estuarine resources.

11.17.040 Conditional Uses. The standard uses listed in the Conservancy Managed Environment do not apply to Management Unit 44. Only the following uses are allowed within the Conservancy Managed Management Units subject to the applicable provisions of this Shorelines Master Program and provided that a shorelines conditional use permit has been obtained. The conditional uses are: dock and warehouse facilities; port terminal facilities; ship berthing; barge berthing; ship construction or repair; navigation aids; water dependant industry; mineral extraction and storage; ferry terminal; shipping; overhead utility corridor; submerged utility corridor; commercial fishing (including catching or

gathering shellfish); oyster culture; aquaculture; fish and food processing; boat sales, construction, and repair; marinas; public fishing areas; water dependent hunting; pleasure boating; public boat ramp; parks, parkways, and other types of public access; floating homes; estuarine and marine sanctuaries; wildlife refuges; and living resource production and habitat.

11.17.050 * Special Conditions

1. Activities in Unit 44 will be compatible with the natural system. For example, areas of significant fish and wildlife habitat will be managed to ensure continued biological productivity. Where consistent with resource capabilities, high-intensity water-dependent recreation, dredging, and other water-dependent uses will be allowed. Thus, those uses that depend on the water area (e.g., shipping and fishing) and the activities that support those uses (maintenance dredging, navigation aids, etc.) are considered appropriate to the Management Unit. While the definition of Conservancy Managed is appropriate to this management unit, the set of Standard Uses normally assigned to this category are not. Therefore, a special column is added to the Standard Use Table on Page 114 for Management Unit 44.

2. All allowable uses and activities occurring in Management Unit 44, that do not require direct upland support and that require a construction permit, are conditional uses.

3. Uses allowed in shoreline management units that are water dependent/related and/or require some form of access into Management Unit 44 are allowed in Management Unit 44 only to the extent necessary to provide that access and/or only to the extent covered in other Special Conditions. Berth maintenance dredging, unless specified in the Allowable Activities table of a shoreline management unit, is not allowed. In such circumstances, access will be allowed through pile-supported piers and docks or through comparable facilities of less or no greater impact.

4. Experimental resource and habitat development programs such as those currently available through the Corps of Engineers may be pursued provided that such programs do not interfere with uses and activities allowed in adjacent management units. Any such programs will be subject to review and approval by state and federal resource agencies.

5. Extraction of aggregate resources in Chehalis River above Cosmopolis is allowed under the following conditions:

a. The extraction of aggregate for channel and berth maintenance is allowable.

b. Extraction of aggregate within the river but not as a part of channel maintenance may be allowed providing that:

1) there are no alternative sources of aggregate within the general Montesano, Aberdeen, Hoquiam, or Cosmopolis area;

2) water quality standards can be met;

3) there will be no adverse impacts on fish habitat or seasonal fish runs.

6. Realignment or improvement of the authorized federal navigation channel is neither allowed nor prohibited by this plan. Instead, such activities will be considered through existing procedures.

7. Maintenance, reconstruction and/or replacement and widening of the bridge and transportation corridor is allowed. However, in the preparation of the Estuary Plan, it was not anticipated that such improvements would involve substantial loss of aquatic habitat. In the event substantial losses may occur with such improvements, Level V mitigation may be required since the plan would be otherwise out of balance.

8. EPA authorized in-water dredged material disposal sites are allowable in this management unit consistent with meeting all designation criteria.

9. Log rafting consistent with the Log Rafting policy is allowed in this management unit.

Chapter 11.18
Nonconformities

Sections:

11.18.010 Nonconforming Structures
11.18.020 Nonconforming Uses

11.18.010 Nonconforming Structures. All structures, lawfully erected and maintained in lawful condition prior to the effective date of this Ordinance and all structures in the process of being lawfully erected prior to the effective date of this Ordinance but which do not conform to the regulations contained herein, may continue to exist, or be completed according to the following provisions:

(1) No nonconforming structure may be expanded except in conformity to these regulations.

(2) Nonconforming structures which are destroyed beyond 50% of their value shall not be restored.

(3) Nonconforming structures may be maintained and improved, however, such maintenance and improvement shall not have the effect of expanding the size or bulk of the structure.

(4) Uses within nonconforming structures may be changed to conforming uses.

11.18.020 Nonconforming Uses. Uses or activities that do not conform to these regulations but which are on-going prior to the effective date of these regulations may continue under the following provisions:

(1) Nonconforming uses or activities that can be stopped without cost to the user or actor shall cease upon notification from the Administrator.

(2) Nonconforming uses or activities that may be altered to conformance and still continue to succeed in their function shall do so.

(3) Nonconforming uses or activities which result in increasing or long term damage to the environment shall cease upon finding by the Shorelines Commission that such increasing or long-term damage is indeed the case.

Chapter 11.19
Shorelines Commission

Sections:

11.19.010 Shorelines Commission Established
11.19.020 Shorelines Commission Duties and Procedures

11.19.010 Shorelines Commission Established. A Shorelines Commission consisting of not fewer than five Hoquiam citizens is hereby established. The City Council shall appoint the members of the Shorelines Commission. The Administrator or his/her assistant shall act as the Secretary of the Shorelines Commission. The terms of the Commission members shall be staggered and shall not be for longer than four years. A Commission member may be appointed to more than one term.

11.19.020 Shorelines Commission Duties and Procedures. It shall be the duty of the Shorelines Commission to hear and decide all matters this master program assigns to the Commission. A record of all decisions made by the Shorelines Commission shall be kept by the Administrator in his office. The Shorelines Commission shall follow Robert's Rules of Order unless it adopts other rules and procedures by a vote of a majority of the Shorelines Commission present. A majority of the Shorelines Commission members must be present to establish a quorum.

Chapter 11.20
Permits and Exemptions

Sections:

11.20.010 Permits
11.20.020 Exempt Uses and Activities

11.20.010 Permits.

(1) Certain forms of development or activity occurring within the area of jurisdiction must be granted permits prior to commencement of construction or beginning the activity.

(2) Those forms of development for which permits must be obtained are termed "Substantial Developments" and are defined by the Shorelines Management Act, and supplementing provisions of the Washington Administrative Code, as follows:

> "Substantial Development" shall mean any development of which the total cost or fair market value exceed two thousand and five hundred (2,500) dollars, or any development which materially interferes with the normal public use of the waters or shorelines of the State: except the following shall not be considered substantial developments for the purpose of this Ordinance:
>
> (a) 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 a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or the total replacement would cause substantial adverse effects to the shoreline resource or environment.
>
> (b) Construction of the normal protective bulkhead common to single family residences. A "normal protective" bulkhead is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no farther waterward of the existing bulkhead than is necessary for the construction of new footings.
>
> (c) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to the public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter.
>
> (d) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: *Provided*,

That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

(e) Construction or modification of navigational aids such as channel markers and anchor buoys.

(f) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his or her own use or for the use of his/her family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Ordinance. "Single family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the perimeter of a marsh, bog, or swamp. Normal appurtenances include a garage; carport; deck; patio; driveway; utilities; fences; and grading which does not exceed two hundred and fifty cubic (250) yards (except to construct a conventional drainfield when additional filling and grading may be allowed). Construction authorized by this exemption shall be located landward of the ordinary high water mark.

(g) Construction of a dock designed for pleasure craft only, for the private, non-commercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred (2,500) dollars.

(h) 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 from the irrigation of lands;

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

(j) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendment to the Shorelines Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

(k) Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.

(3) If a use or activity is not exempted by subsection 2 above, and the use or activity is a permitted use or a permitted activity, a substantial development permit must be obtained before commencement of construction or beginning the activity.

(4) If a use or activity is not exempted by subsection 2 above, and the use or activity is a conditional use or a conditional activity, a shorelines conditional use/activity permit must be obtained before commencement of construction or beginning the activity.

(5) If a use or activity cannot comply with the regulations of this shorelines master program, a shorelines variance must be obtained before commencement of construction or beginning the activity.

(6) If a project includes uses or activities that include both permitted and conditional uses or activities and/or a variance is required, the permit shall be heard and decided by the Shorelines Commission using the procedures, requirements, and criteria for a conditional use, conditional activity, or variance.

(7) The person conducting the use or activity shall be responsible for determining whether a permit is required.

(8) The procedures for obtaining a permit or variance are contained in the following chapters of this shorelines master program.

(9) See WAC 173-14-050 or its successor for a description of how the permit requirements apply to developments undertaken prior to the passage of the Shorelines Management Act of 1971.

(10) See WAC 173-14-062 or its successor for a description of how the permit requirements apply to Federal Agency projects.

11.20.020 Exempt Uses and Activities.

(1) The Administrator shall decide requests for an exemption based on the provisions of the Shorelines Management Act, the applicable provisions of the Washington Administrative Code, and the provisions of this Shorelines Master Program. If there are any conflicts between the Shorelines Management Act or the Washington Administrative Code and this Shorelines Master Program, the Shorelines Management Act or the Washington Administrative Code shall control.

(2) Those uses and activities which are not defined as substantial uses or activities by Subsection 11.20.010(2) above are exempt from the requirement to obtain a shorelines permit unless they cannot comply with the regulations of this shorelines master program, then a shorelines variance is required.

(3) The exemptions in Subsection 11.20.010(2) are to be construed narrowly.

(4) Exempted developments authorized by the City shall be consistent with the policies and provisions of the Shorelines Management Act and the City shorelines master program.

(5) Whenever a development falls with the exemptions from the requirement to obtain a shorelines permit and development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the Administrator shall prepare a letter

addressed to the applicant and the Department of Ecology, exempting the development from the substantial development permit requirements of chapter 90.58 RCW. The exemption shall be in substantially the same form as the exemption format in WAC 173-14-115 or its successor. A copy of the format can be found in Appendix D.

Chapter 11.21
Shorelines Substantial Development Permit Decision Procedures

Sections:

11.21.010 Scope
11.21.020 Applicability
11.21.030 Purpose
11.21.040 Who May Apply
11.21.050 Submittal Requirements
11.21.060 Substantial Development Permit Review Procedure
11.21.070 Notice of Appeal
11.21.080 Appeal to the Washington Shorelines Hearings Board
11.21.090 Appeal to Superior Court
11.21.100 Shorelines Substantial Development Permit Decision Criteria
11.21.110 Application Notice
11.21.120 Limitation on Refiling Applications
11.21.130 Assurance Device

11.21.010 Scope. This chapter establishes the procedure and criteria the City will use in deciding applications for shorelines substantial development permits.

11.21.020 Applicability. This chapter applies to all applications for shorelines substantial development permits.

11.21.030 Purpose. A shorelines substantial development permit is a mechanism through which the City can determine if a proposed project complies with the State of Washington Shorelines Management Act and the City of Hoquiam Shorelines Master Program. To ensure compliance with the Act and the Shorelines Master Program, special conditions on the development may be required.

11.21.040 Who May Apply. The property owner, a lessee, or purchaser may apply for a shorelines substantial development permit.

11.21.050 Submittal Requirements.

(1) The Administrator shall specify the application forms and submittal requirements including the type, detail, and number of copies for a conditional land use permit and variance to be deemed complete and to be accepted for filing. At a minimum, the application shall include the information required by WAC 173-14-110 or its successor. See Appendix A for the application form set out in WAC 173-14-110.

(2) The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application, except that the Administrator shall not waive the information required by WAC 173-14-110 or its successor.

11.21.060 Substantial Development Permit Review Procedure.

(1) The applicant shall submit a completed application, any required fees, and a SEPA Checklist, if required, to the Administrator.

(2) The Administrator shall review the application and determine if it is complete. The application shall not be deemed filed until the Administrator determines the application is complete and all required fees are paid. If the application is not complete, the Administrator shall contact the applicant and request the needed information or fee.

(3) Within five days of the filing of the application, the Administrator shall provide a copy of the application to the SEPA responsible official who makes SEPA determinations for shorelines permit applications.

(4) SEPA review shall be conducted as provided by Chapter 11.10 of the Hoquiam Municipal Code. The required SEPA notices should be included with the shorelines notices when possible.

(5) After a SEPA exemption, SEPA Determination of Nonsignificance, or SEPA Final Environmental Impact Statement is issued for an application; the Administrator shall publish a notice of the shorelines application on same day of the week for two consecutive weeks.

(a) The notice shall include the information required by Section 11.21.110.

(b) The Administrator shall give the additional notice required by Section 11.21.110 before the day of the second publication of the notice of shorelines application.

(c) The Administrator shall circulate the application, the SEPA documents, and a notice or memo describing the comment period to State of Washington Department of Ecology and any local, state, or federal agency which, in the opinion of the administrator, may be affected by the project. The application shall be circulated to the agencies on or before the day of the second publication of the notice of shorelines application.

(6) On the day of the second publication of the notice of shorelines application, a thirty day comment period begins. During this comment period, the city will receive written comments on the proposed application. The City will not make a decision on the permit until after the end of the comment period.

(7) After the thirty day comment period has ended, the Administrator shall decide the application.

(a) The Administrator shall decide the application within ten (10) days of the end of the comment period unless the applicant and any adverse parties agree in writing to an extension of time. All extensions must be to a specific date.

(b) Decisions on applications for shorelines substantial development permits shall be based on the decision criteria in Section 11.21.100. The applicant has the burden of proof to show the proposal complies with the decision criteria and all applicable requirements. See RCW 90.58.140(7) for additional information on the burden of proof requirement.

(c) The Administrator may place conditions the proposal.

(d) The Administrator may require additional information if necessary to decide the permit.

(e) The Administrator shall adopt findings of fact and conclusions which support the decision and any required conditions. The findings of fact and conclusions should be included in the Administrators final order.

(f) The permit, whether approved or denied, shall be in the form required by WAC 173-14-120 or its successor. A copy of this form can be found in Appendix C.

(8) The decision of the Administrator and the findings of fact and conclusions shall be reduced to writing and mailed to the applicant, the State of Washington Department of Ecology, and the Washington State Attorney General within eight (8) days of the date of the decision.

(a) The applicant shall be mailed the original of the completed permit form (whether the permit is approved or denied), the findings of fact and conclusions, and the notice of appeal required by Section 11.21.070 below.

(b) The State of Washington Department of Ecology and the Washington State Attorney General shall be mailed the completed permit form (whether the permit is approved or denied), the findings of fact and conclusions, and the other information required by WAC 173-14-090 or its successor. This information is listed in the following subsections. In the case of a conflict between the subsections and WAC 173-14-090 or its successor, the WAC shall control.

(i) A copy of the original application.

(ii) A copy of the affidavits of public notice.

(iii) A copy of the site plan.

(iv) A copy of the vicinity map.

(v) A copy of the permit.

(vi) A copy of the Administrator's final order, which should include the findings of fact and conclusions.

(vii) Any SEPA documents for the project.

(c) Within eight (8) days of the date of the decision, the Administrator shall also mail the completed permit form (whether the permit is approved or denied), the findings of fact and conclusions, and the notice of appeal required by Section 11.21.080 below to any person who requested notice of the decision on the permit.

(8) Thirty Day Appeal Period. On the day of the permit or variance (whether approved or denied) and other information required by WAC 173-14-090 or its successor are received by the State of Washington Department of Ecology and the Washington State Attorney General, a thirty (30) day appeal period begins. The Department of Ecology generally sends a letter to the Administrator and the applicant informing them of the date the application was received.

(a) During the appeal period, the Administrator's decision on the permit may be appealed to the Washington Shorelines Hearings Board as provided by Section 11.21.080 below.

(b) During the appeal period, the Administrator's decision on the permit may be appealed to Superior Court as provided by Section 11.21.090 below.

(9) Commencement of Activity. If a permit is approved, the applicant or any other party authorized to conduct activities or uses by the decision shall not begin construction, development, or any authorized use or activity until after the thirty (30) day appeal period established by Subsection (8) above is over and any appeals concluded. Construction or use may occur during the time an appeal is underway provided: (1) the thirty day appeal period has ended, (2) the permit was approved by the City of Hoquiam, and (3) permission is granted for the construction, use or activity under RCW 90.58.140(5)(b) or its successor.

(10) Effect of Decision.

(a) The decision of the Administrator on the application is the final decision of the City.

(b) The Administrator's decision shall not be reconsidered, except as a new application. See Section 11.21.130 for time limits for filing new applications.

11.21.070 Notice of Appeal. Where the project is not exempt from SEPA, the Administrator shall mail official notice of the date and place for making an appeal to the applicant, any parties to an administrative appeal on the proposal, and any persons who have requested notice of decisions on the proposal after the decision on the application is made. The notice must include the following:

(1) A statement that the appeal of the decision on the permit to the State of Washington Shorelines Hearings Board must be filed with the State of Washington Shorelines Hearings Board, the State of Washington Department of Ecology, and the Washington State Attorney General within thirty (30) days of the date the permit is received from the Administrator by the State of Washington Department of Ecology and the Washington State Attorney General.

(2) A statement that if an appeal of the decision on the permit to the State of Washington Shorelines Hearings Board is not certified, the permit decision may be appealed to Superior Court for Grays Harbor County within thirty (30) days of the date the appeal is not certified.

(3) A statement that the appeal of the decision on the permit to Superior Court without first being appealed to the State of Washington Shorelines Hearings Board must be filed with the court within thirty (30) days of the date the permit is received from the Administrator by the State of Washington Department of Ecology and the Washington State Attorney General.

(4) A statement that the appeal of the SEPA decision must be filed with Superior Court for Grays Harbor County with thirty (30) days of the date the permit is received by the State of Washington Department of Ecology and the Washington State Attorney General.

(5) Where SEPA issues are first raised in an administrative appeal, the notice of appeal must also state that any person wishing to raise SEPA issues in a judicial appeal must give notice of the appeal to the City of Hoquiam responsible official within thirty (30) days of the permit decision date as required by WAC 197-11-680 (4)(d) or its successor. The address of the responsible official must be included in the notice.

(6) The notice of appeal may be appended to the permit or decision document, or may be separate. See WAC 197-11-680 (5) or its successor for additional information.

11.21.080 Appeal to the Washington Shorelines Hearings Board.

(1) Who May Appeal. Any person aggrieved by the permit decision may appeal the decision to the State of Washington Shorelines Hearings Board.

(2) Time to Appeal. The appeal must be filed with the State of Washington Shorelines Hearings Board, the State of Washington Department of Ecology, and the Washington State Attorney General within thirty (30) calendar days of the date the permit is received by the State of Washington Department of Ecology and the Washington State Attorney General or is thereafter barred.

11.21.090 Appeal to Superior Court.

(1) Who May Appeal. Any person aggrieved by the permit decision or the decision of the State of Washington Shorelines Hearings Board on any appeal of a permit decision may appeal the decision to superior court.

(2) Time to Appeal.

(i) For permit decisions which have been appealed to the State of Washington Shorelines Hearings Board, the appeal must be filed with the Superior Court within thirty (30) calendar days of the date of the State of Washington Shorelines Hearings Board decision on the appeal or is thereafter barred.

(ii) For permit decisions which have been appealed to the State of Washington Shorelines Hearings Board but not certified by the State Department of Ecology or the Attorney General, the appeal must be filed with the Superior Court within thirty (30) calendar days of the date of the decision not the certify the appeal was made or is thereafter barred.

(iii) For permit decisions which have not been appealed to the State of Washington Shorelines Hearings Board, the appeal must be filed with the Superior Court within thirty (30) calendar days of the date of the permit is received by the State of Washington Department of Ecology and the Washington State Attorney General or is thereafter barred.

11.21.100 Shorelines Substantial Development Permit Decision Criteria. The Administrator may approve or approve with conditions or modifications an application for a shorelines substantial development permit if the Administrator finds the development proposal is consistent with the following criteria.

(1) The proposal is consistent with the policies and procedures of the Shorelines Management Act of 1971, as amended.

(2) The proposal is consistent with the provisions of WAC 173-14 or its successor.

(3) The proposal is the City of Hoquiam Shorelines Master Program.

(4) The proposal complies with all other applicable requirements, criteria, and standards of the Hoquiam Municipal Code including the City's SEPA policies.

11.21.110 Application Notice.

(1) Content of the Public Notice.

(a) The Administrator shall prepare notice for all applications.

(b) The notice shall follow the form and include the information required by WAC 173-14-070 or its successor. A copy of the notice form can be found in Appendix B.

(c) If the application is not exempt from SEPA, the SEPA determination on the application and a note to the effect that comments on the SEPA determination and SEPA documents may be made at the hearing. The time period for receiving comments on the SEPA documents must be at least 15 days from the date the SEPA determination is made.

(2) Means of Notice. The Administrator shall provide notice for all applications in the following manner.

(a) Publishing notice of the application on same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed.

(b) Mailing notice of the application to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within 300 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

(c) Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken.

(3) Affidavits of Public Notice. An affidavit or affidavit(s) attesting that the notice has been properly published and properly mailed shall be completed and included in the application file.

11.21.120 Limitation on Refiling Applications. After a final decision denying an application, the Administrator shall not accept any further application for substantially the same property involving substantially the same proposal within one year from the date of the denial decision.

11.21.130 Assurance Device. In appropriate circumstances, the Administrator may require a reasonable performance assurance device in conformance with Section 11.28.130 to assure compliance with the provisions of the shorelines master program, any development conditions, and the substantial development application as approved.

Chapter 11.22
Shorelines Conditional Use/Activity Permits and Shorelines Variances

Sections:

11.22.010 Scope
11.22.020 Applicability
11.22.030 Purposes
11.22.040 Who May Apply
11.22.050 Submittal Requirements
11.22.060 Conditional Use/Activity Permit and Variance Review Procedure
11.22.070 Notice of Appeal
11.22.080 Appeal to the State of Washington Shorelines Hearings Board
11.22.090 Appeal to Superior Court
11.22.100 Conditional Use/Activity Permit Decision Criteria
11.22.110 Variance Decision Criteria
11.22.120 Limitation on Authority to Grant Variances
11.22.130 Notice of Application and Public Hearing
11.22.140 Conduct of Public Hearings
11.22.150 Limitation on Refiling Applications
11.22.160 Assurance Device

11.22.010 Scope. This chapter establishes the procedure and criteria the City will use in deciding applications for shorelines conditional use/activity permits and shorelines variances.

11.22.020 Applicability. This chapter applies to all applications for shorelines conditional use permits and shorelines variances. Where a development includes several uses or activities and one or more uses or activities require a shorelines conditional use/activity permit, all uses and activities shall be processed and decided following the shorelines conditional use/activity procedures and decision criteria.

11.22.030 Purposes.

(1) Conditional Use/Activity Permit Purpose. A shorelines conditional use/activity permit is a mechanism through which the City can determine if a certain use or activity is appropriate in a particular location, whether the proposed use complies with the City of Hoquiam Shorelines Master Program, and, if necessary, require special conditions on the development or on the use of land or water. The site specific review and the ability to require special conditions is intended to insure that designated uses or activities are compatible with the shorelines resources and other uses in the vicinity of the property for which the application is made.

(2) Variance Purpose. A variance is a mechanism by which the City may grant relief from specific bulk, area, or performance standards of the shorelines regulations where: (a) practical difficulty renders compliance with the provisions of the shorelines

regulations an unnecessary hardship or the policy set forth in RCW 90.58.020 would be thwarted, (b) the hardship is a result of the physical characteristics of the subject property, and (c) the purpose of the shorelines regulations can be fulfilled.

11.22.040 Who May Apply. The property owner, a lessee, or purchaser may apply for a shorelines conditional use/activity permit or a variance.

11.22.050 Submittal Requirements.

(1) The Administrator shall specify the application forms and submittal requirements including the type, detail, and number of copies for a conditional use/activity permit or variance to be deemed complete and to be accepted for filing. At a minimum, the application shall include the information required by WAC 173-14-110 or its successor. See Appendix A for the application form set out in WAC 173-14-110.

(2) The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application, except that the Administrator shall not waive the information required by WAC 173-14-110 or its successor.

11.22.060 Conditional Use/Activity Permit and Variance Review Procedure.

(1) The applicant shall submit an application, any required fees, and a SEPA Checklist, if required, to the Administrator.

(a) The Administrator shall review the application and determine if it is complete. The application shall not be deemed filed until the Administrator determines the application is complete and all required fees are paid.

(b) The Administrator may establish deadlines for applications. Deadlines shall not be established more than sixty (60) days before Shorelines Commission meeting dates.

(c) The Shorelines Commission may limit the number of applications to be considered at a meeting as part of the Commission's rules of procedure.

(2) Within five days of the filing of the application, the Administrator shall provide a copy of the application to the SEPA responsible official who makes SEPA determinations for shorelines conditional use/activity permit and shorelines variance applications.

(3) SEPA review shall be conducted as provided by Chapter 11.10 of the Hoquiam Municipal Code. The required SEPA notices should be included with the shorelines notices when possible.

(4) After a SEPA exemption, SEPA Determination of Nonsignificance, or SEPA Final Environmental Impact Statement is issued for an application; the Administrator shall schedule a public hearing for the next Shorelines Commission meeting where the application can be accommodated, notice given, and the thirty day comment period allowed to occur.

(5) The Administrator shall publish a notice of the shorelines application on same day of the week for two consecutive weeks.

(a) The notice shall include the information required by Section 11.22.130.

(b) The Administrator shall give the additional notice required by Section 11.22.130 before the day of the second publication of the notice of shorelines application.

(c) The Administrator shall circulate the application, the SEPA documents, and a notice or memo describing the comment period to State of Washington Department of Ecology and any local, state, or federal agency which, in the opinion of the administrator, may be affected by the project. The application shall be circulated to the agencies on or before the day of the second publication of the notice of shorelines application.

(6) On the day of the second publication of the notice of shorelines application, a thirty day comment period begins. During this comment period, the city will receive written comments on the proposed application. The City will not make a decision on the permit until after the end of the comment period.

(7) After the thirty day comment period has ended, the Shorelines Commission shall conduct a public hearing on the application. The public hearing shall be conducted as provided in Section 11.22.140. At the hearing, members of the Shorelines Commission may request such additional information as is reasonably necessary to evaluate the application.

(8) After the public hearing has concluded, the Shorelines Commission shall decide the application.

(a) The decision may be made at the same public meeting as the public hearing or at another public meeting. The Shorelines Commission shall decide the application within thirty-two (32) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time.

(b) Decisions on applications for shorelines conditional use/activity permits shall be based on the decision criteria in Section 11.22.100. Decisions on applications for shorelines variances shall be based on the decision criteria in Section 11.22.110 and the limitation on the authority to grant shorelines variances in Section 11.22.120.

(c) The Shorelines Commission may condition the proposal.

(d) If the Shorelines Commission contemplates approving the application modified to such an extent that it results in a development or proposal not reasonably foreseeable from the description of the proposal contained in the hearing notice, the Shorelines Commission shall hold a new hearing on the proposal as modified before approving the application. Notice of this hearing shall be provided as required by Subsection 11.22.130(4).

(e) The Shorelines Commission shall adopt findings of fact and conclusions which support the decision and any required conditions. The findings of fact and conclusions should be included in the final order.

(f) The permit, whether approved or denied, shall be in the form required by WAC 173-14-120 or its successor. A copy of this form can be found in Appendix C.

(9) The decision of the Shorelines Commission and the findings of fact and conclusions shall be reduced to writing and mailed by the Administrator to the applicant the State of Washington Department of Ecology, and the Washington State Attorney General within eight (8) days of the date of the decision.

(a) The applicant shall be mailed the original of the completed permit form (whether the permit is approved or denied), the findings of fact and conclusions, and the notice of appeal required by Section 11.22.070 below.

(b) The State of Washington Department of Ecology and the Washington State Attorney General shall be mailed the completed permit form (whether the permit is approved or denied), the findings of fact and conclusions, and the other information required by WAC 173-14-090 or its successor. This information is listed in the following subsections. In the case of a conflict between these subsections and WAC 173-14-090 or its successor, the WAC shall control.

(i) A copy of the original application.

(ii) A copy of the affidavits of public notice.

(iii) A copy of the site plan.

(iv) A copy of the vicinity map.

(v) A copy of the permit.

(vi) A copy of the Administrator's final order, which should include the findings of fact and conclusions.

(vii) Any SEPA documents for the project.

(c) Within eight (8) days of the date of the decision, the Administrator shall also mail the completed permit form (whether the permit is approved or denied), the findings of fact and conclusions, and the notice of appeal required by Section 11.22.080 below to any person who requested notice of the decision on the permit.

(10) Department of Ecology Review of Approved Permits/Variances. The Department of Ecology reviews all conditional use/activity permits and shorelines variances approved by local governments. The Department of Ecology may approve, approve with conditions, or deny all conditional use/activity permits and shorelines variances approved by local governments. The Department of Ecology decision must be made within thirty (30) days of the date the permit or variance and other information required by WAC 173-14-090 or its successor are received by the State of Washington Department of Ecology and the Washington State Attorney General. The Department of Ecology will sent a letter to and the applicant informing them of the decision on the permit or variance.

(11) Thirty Day Appeal Period.

(a) If the permit or variance was denied by the local government, a thirty (30) day appeal period begins on the day the denied permit or variance and other information required by WAC 173-14-090 or its successor are received by the State of Washington Department of Ecology and the Washington State Attorney General. The Department of Ecology generally sends a letter to the Administrator and the applicant informing them of the date the application was received.

(b) If the permit or variance was approved by the local government, a thirty (30) day appeal period begins on the day the permit or variance is approved or denied by the Department of Ecology.

(c) During the appeal period, the local government and/or Department of Ecology decision on the permit may be appealed to the Washington Shorelines Hearings Board as provided by Section 11.22.080 below.

(d) During the appeal period, the local government and/or Department of Ecology decision on the permit may be appealed to Superior Court as provided by Section 11.22.090 below.

(12) Commencement of Activity. If a permit is approved, the applicant or any other party authorized to conduct activities or uses by the decision shall not begin construction, development, or any authorized use or activity until after the thirty (30) day appeal period established by Subsection [11(b)] above is over and any appeals concluded. Construction or use may occur during the time an court appeal is underway provided: (1) the permit was approved by the local government and the State of Washington Shorelines Hearing Board and (2) permission is granted for the construction, use or activity under RCW 90.58.140(5)(b) or its successor.

(13) Effect of Decision.

(a) The decision of the Shorelines Commission on the application is the final decision of the City.

(b) The Shorelines Commission decision shall not be reconsidered, except as a new application. See Section 11.22.150 for time limits for filing new applications.

11.22.070 Notice of Appeal. Where the project is not exempt from SEPA, the Administrator shall mail official notice of the date and place for making an appeal to the applicant, any parties to an administrative appeal on the proposal, and any persons who have requested notice of decisions on the proposal after the decision on the application is made. The notice must include the following:

(1) A statement that the appeal of the decision on the permit to the State of Washington Shorelines Hearings Board must be filed with the State of Washington Shorelines Hearings Board, the State of Washington Department of Ecology, and the Washington State Attorney General within thirty (30) days of the date the permit is received from the Administrator by the State of Washington Department of Ecology and the Washington State Attorney General.

(2) A statement that if an appeal of the decision on the permit to the State of Washington Shorelines Hearings Board is not certified, the permit decision may be appealed to Superior Court for Grays Harbor County within thirty (30) days of the date the appeal is not certified.

(3) A statement that the appeal of the decision on the permit to Superior Court without first being appealed to the State of Washington Shorelines Hearings Board must be filed with the court within thirty (30) days of the date the permit is received from the Administrator by the State of Washington Department of Ecology and the Washington State Attorney General.

(4) A statement that the appeal of the SEPA decision must be filed with Superior Court for Grays Harbor County with thirty (30) days of the date the permit is received by the State of Washington Department of Ecology and the Washington State Attorney General.

(5) Where SEPA issues are first raised in an administrative appeal, the notice of appeal must also state that any person wishing to raise SEPA issues in a judicial appeal must give notice of the appeal to the City of Hoquiam responsible official within thirty (30) days of the permit decision date as required by WAC 197-11-680(4)(d) or its successor. The address of the responsible official must be included in the notice.

(6) The notice of appeal may be appended to the permit or decision document, or may be separate. See WAC 197-11-680(5) or its successor for additional information.

11.22.080 Appeal to the State of Washington Shorelines Hearings Board.

(1) Who May Appeal. Any person aggrieved by the permit decision may appeal the decision to the State of Washington Shorelines Hearings Board.

(2) Time to Appeal.

(i) For applications approved by local governments, the appeal must be filed with the State of Washington Shorelines Hearings Board, the State of Washington Department of Ecology, and the Washington State Attorney General within thirty (30) calendar days of the date the permit is decided by the State of Washington Department of Ecology or is thereafter barred.

(ii) For applications denied by local governments, the appeal must be filed with the State of Washington Shorelines Hearings Board, the State of Washington Department of Ecology, and the Washington State Attorney General within thirty (30) calendar days of the date the permit is received by the State of Washington Department of Ecology and the Washington State Attorney General or is thereafter barred.

11.22.090 Appeal to Superior Court.

(1) Who May Appeal. Any person aggrieved by the permit decision or the decision of the State of Washington Shorelines Hearings Board on any appeal of a permit decision may appeal the decision to superior court.

(2) Time to Appeal.

(i) For permit decisions which have been appealed to the State of Washington Shorelines Hearings Board, the appeal must be filed with the Superior Court within thirty (30) calendar days of the date of the State of Washington Shorelines Hearings Board decision on the appeal or is thereafter barred.

(ii) For permit decisions which have been appealed to the State of Washington Shorelines Hearings Board but not certified by the State Department of Ecology or the Attorney General, the appeal must be filed with the Superior Court within thirty (30) calendar days of the date of the decision not the certify the appeal was made or is thereafter barred.

(iii) For applications approved by local governments which have not been appealed to the State of Washington Shorelines Hearings Board, the appeal must be filed with the Superior Court within thirty (30) calendar days of the date the permit is decided by the State of Washington Department of Ecology or is thereafter barred.

(iv) For applications denied by local governments which have not been appealed to the State of Washington Shorelines Hearings Board, the appeal must be filed with the

Superior Court within thirty (30) calendar days of the date the permit is received by the State of Washington Department of Ecology and the Washington State Attorney General or is thereafter barred.

11.22.100 Conditional Use/Activity Permit Decision Criteria.

(1) For uses which are listed in this master program as conditional uses in the environment in which they are proposed to be located and, for areas subject to the *Grays Harbor Estuary Management Plan*, activities which are listed in this master program as conditional activities in the management unit in which they are proposed to be located; the Shorelines Commission may approve or approve with conditions or modifications an application, subject to approval by the Department of Ecology, if the Commission finds the applicant has demonstrated the development proposal is consistent with all of the following criteria.

(a) The proposed use or activity is consistent with the policies of RCW 90.58.020 and the policies of the shorelines master program: provided, that conditional use/activity permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020.

(b) The proposed use or activity will not interfere with the normal public use of public shorelines.

(c) The proposed use of the site and design of the project is compatible with other permitted uses with the area.

(d) The public interest will suffer no substantial detrimental effect.

(e) In the granting of all conditional use/activity permits (including those allowed by (1) and (2) of this section), consideration shall be given 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 of 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.

(f) The proposal complies with all other applicable requirements, criteria, and standards of the Hoquiam Municipal Code including the City's SEPA policies.

(2) For uses which are not listed as permitted, conditional uses, or prohibited uses in this master program; the Shorelines Commission may approve or approve with conditions or modifications an application, subject to approval by the Department of Ecology, if the Commission finds the applicant has demonstrated the development proposal is consistent with all of the following criteria.

(a) The proposed development meets all of the criteria in subsection (1) above.

(b) Extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(c) The use is not specifically prohibited by the master program.

11.22.110 Variance Decision Criteria.

(1) The Shorelines Commission should approve variances in a circumstance where denial of the application would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Applications for variances where the development authorized by the variance will be located landward of the ordinary high water mark, except within marshes, swamps, or bogs, may be approved or approved with conditions or modifications by the Shorelines Commission, subject to approval by the Department of Ecology, if the Commission finds the applicant has demonstrated compliance with all of the following criteria and subsections (1) and (4) of this section.

(a) That the strict application of the bulk, dimensional or performance standards set forth in this shorelines master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the master program.

(b) That the hardship described in 2(a) above is specifically related to the property, and is a 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 is compatible with other allowed activities and uses in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

(d) The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief.

(e) The public interest will suffer no substantial detrimental effect.

(3) Applications for variances where the development authorized by the variance will be located either waterward of the ordinary high water mark or within marshes, swamps, or bogs, may be approved or approved with conditions or modifications by the Shorelines Commission, subject to approval by the Department of Ecology, if the Commission finds the applicant has demonstrated compliance with all of the following criteria and subsections (1) and (4) of this section.

(a) That the strict application of the bulk, dimensional or performance standards set forth in this shorelines master program precludes a reasonable use of the property not otherwise prohibited by the master program.

(b) That the proposal is consistent with the criteria established under (2)(b) through (e) of this section.

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variances, the Shorelines Commission shall consider the cumulative impact of additional requests for like actions in the area. For example, if variances were granted for other developments in the area where similar circumstances exist, the total of 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.

11.22.120 Limitation on Authority to Grant Variances. The Shorelines Commission shall not grant a variance for the following purposes.

(1) To allow a use other than a use specifically listed as a permitted use or conditional use/activity in the shorelines environment in which the subject property is located. Variances shall not be approved to allow an unlisted or unclassified use in any location. A conditional use permit may be used to allow an unlisted use. See Section 11.22.100.

(2) Any provision of the shorelines master program which by the terms of the shorelines master program regulations is not subject to a variance.

(3) Any administrative or procedural provision of the zoning regulations.

11.22.130 Notice of Application and Public Hearing.

(1) Content of the Public Notice.

(a) The Administrator shall prepare notice for all applications.

(b) The notice shall follow the form and include the information required by WAC 173-14-070 or its successor. A copy of the notice form can be found in Appendix B.

(c) If the application is not exempt from SEPA, the SEPA determination on the application and a note to the effect that comments on the SEPA determination and SEPA documents may be made at the hearing. The time period for receiving comments on the SEPA documents must be at least 15 days from the date the SEPA determination is made.

(d) The date, time, and place of the public hearing.

(e) A statement of the right of any person to participate in the public hearing as provided in Section 11.22.120 and the ways they may participate.

(2) Means of Notice. The Administrator shall provide notice for all applications in the following manner.

(a) Publishing notice of the application on same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed.

(b) Mailing notice of the application to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within 300 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

(c) Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken.

(3) Affidavits of Public Notice. An affidavit or affidavit(s) attesting that the notice has been properly published and properly mailed shall be completed and included in the application file.

(4) If the hearing date is changed for any reason and the hearing has not be opened by the Shorelines Commission, a new notice giving the date, time, and place of the public hearing shall be published once in a newspaper of general circulation within the area in which the development is proposed and mailed to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within 300 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. The notice shall be mailed and published at least ten (10) days before the new hearing date.

11.22.140 Conduct of Public Hearings.

(1) Who may participate. Any person may participate in the public hearing.

(2) How to Participate. Any person may participate in the public hearing in either or both of the following ways.

(a) By submitting written comments to the Administrator before the public hearing. The Administrator shall transmit all written comments received before the public hearing to the Shorelines Commission no later than the public hearing.

(b) By submitting written comments or making oral comments to the Shorelines Commission at the public hearing.

(3) Hearing Record.

(a) The Administrator shall make an electronic sound recording of each hearing. The Administrator shall retain the electronic sound recording of the hearing for at least six (6) years.

(b) When ever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the Administrator for at least two (2) years.

(4) Continuation of Hearing. The Shorelines Commission may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is made. No further notice of a continued hearing need be given unless a period of nine (9) weeks or more elapses between hearing dates.

(5) Time Limits. The Shorelines Commission may place reasonable and equitable limitations on testimony, the presentation of evidence and arguments, and questions so the matter at issue may be heard and decided without undue delay.

11.22.150 Limitation on Refiling Applications. After a final decision denying an application, the Administrator shall not accept any further application for substantially the same property involving substantially the same proposal within one year from the date of the denial decision.

11.22.160 Assurance Device. In appropriate circumstances, the Administrator may require a reasonable performance assurance device in conformance with Section 11.28.130 to assure compliance with the provisions of the shorelines master program, any development conditions, and the substantial development application as approved.

Chapter 11.23
Changes in Shorelines Environments, Changes in Management Units, and Amendments to the Text of the Master Program

Sections:

11.23.010 Scope
11.23.020 Applicability
11.23.030 Purpose
11.23.040 Who May Apply
11.23.050 Submittal Requirements
11.23.060 Amendment Review Procedure
11.23.070 Decision Criteria
11.23.080 Grays Harbor Regional Planning Commission Processing of Amendments Affecting Provisions of the Grays Harbor Estuary Management Plan and Decision Criteria for Proposed Plan Amendments
11.23.090 Public Hearing Notice
11.23.100 Conduct of Public Hearings
11.23.110 Limitation on Refiling Applications
11.23.120 Appeal of City Council Decision to Superior Court
11.23.130 Shorelines Environment Map Change
11.23.140 Assurance Device

11.23.010 Scope. This chapter establishes the procedure and criteria the City will use in deciding applications to change the shorelines environment or management unit of properties and amendments to the text of the shorelines master program.

11.23.020 Applicability. This chapter applies to applications to change the shorelines environment or management unit of property and applications to amend the text of the shorelines master program.

11.23.030 Purpose. To provide a mechanism to change the shorelines designation of property or the text of the shorelines master program to reflect changing circumstances, changing needs, or changing policies.

11.23.040 Who May Apply.

(1) To Chance the Shorelines Designation of Property. The property owner or the City may apply. For the City to apply, the amendment shall be initiated by a motion passed by either the Shorelines Commission or the City Council. Any person or City staff may request that the Shorelines Commission or City Council initiate a amendment. The Administrator shall complete all necessary forms and provide all other information needed for applications initiated by the Shorelines Commission or City Council.

(2) To Amend the Text of the Shorelines Regulations. Any person or the City may apply. For the City to apply, the amendment shall be initiated by a motion passed by either the Shorelines Commission or the City Council. Any person or City staff may request that the Shorelines Commission or City Council initiate an amendment. The

Administrator shall complete all necessary forms and provide all other information needed for applications initiated by the Shorelines Commission or City Council.

11.23.050 Submittal Requirements.

(1) The Administrator shall specify the application forms and submittal requirements including the type, detail, and number of copies for a amendment or amendment application to be deemed complete and to be accepted for filing.

(2) The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.

11.23.060 Amendment Review Procedure.

(1) The applicant shall submit an application, any required fees, and a SEPA Checklist, if required, to the Administrator.

(a) The Administrator shall review the application and determine if it is complete. The application shall not be deemed filed until the Administrator determines the application is complete and all required fees are paid.

(b) The Administrator may establish deadlines for applications. In no case shall deadlines be established more than thirty days before Shorelines Commission meeting dates.

(c) The Shorelines Commission may limit the number of applications to be considered at a meeting as part of the Commission's rules of procedure.

(2) Within five days of the filing of the application the Administrator shall provide a copy of the application to the SEPA responsible official who makes SEPA determinations for amendment applications.

(3) SEPA review shall be conducted as provided by Chapter 11.10 of the Hoquiam Municipal Code. The required SEPA notices should be included with the shorelines amendment notices when possible.

(4) A copy of the SEPA documents and the proposal shall be sent to the Department of Ecology together with a letter soliciting the comments of the Department of Ecology on the proposal. A copy of the SEPA documents and the proposal shall also be sent to any federal, state, regional, or local agency, including tribes and Indian Nations, having any special expertise related to any potential environmental impact of the proposed amendment together with a letter soliciting the comments of the agency on the proposal. The letters should give the Department of Ecology and other agencies at least ten (10) days to comment on the proposal. If the proposed amendment would affect the *Grays Harbor Estuary Management Plan*, the process followed under subsection (5) below will accomplish this requirement.

(5) If the proposed amendment would change the environment or management unit designation of an area within the jurisdiction of the *Grays Harbor Estuary Management Plan* or any text of the plan, the amendment shall be sent to the Grays Harbor Regional Planning Commission to be processed as provided in Section 11.23.130 when the SEPA determination is made.

(6) After a SEPA exemption, SEPA Determination of Nonsignificance, or SEPA Final Environmental Impact Statement is issued for an application and, if the amendment would affect the *Grays Harbor Estuary Management Plan*, the comments of the Task Force are received; the Administrator shall schedule a public hearing for the next Shorelines Commission meeting where the application can be accommodated and notice given.

(7) The Administrator shall publish notice of the proposed amendment and the hearing once at least ten (10) days before the date of the Shorelines Commission hearing in one or more newspaper of general circulation in the area in which the hearing is to be held. The notice shall include the information by Section 11.23.090.

(8) The Shorelines Commission shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 11.23.100. At the hearing, members of the Shorelines Commission may request such additional information as is reasonably necessary to evaluate the application.

(9) After the public hearing has concluded, the Shorelines Commission shall determine a recommendation on the application.

(a) The decision may be made at the same public meeting as the public hearing or at another public meeting. The Shorelines Commission shall make a recommendation within thirty-two (32) days of the public hearing date.

(b) The recommendation shall be based on the decision criteria in Section 11.23.070 and, for amendments to the Grays Harbor Estuary Management Plan or affecting the estuary under the plan's jurisdiction, the decision criteria in Section 11.23.080.

(c) The Shorelines Commission may recommend conditions on the proposal or may recommend adoption of a more restrictive shorelines environment or management unit than requested in the application.

(d) The Shorelines Commission shall adopt findings of fact and conclusions which support the recommendation.

(e) The Shorelines Commission recommendation shall not be reconsidered by the Shorelines Commission, except as a new application. See Section 11.23.110 for time limits for new applications.

(10) The Administrator shall transmit in writing the recommendation and the findings of fact and conclusions of the Shorelines Commission to the City Council within fifteen (15) days of the date the recommendation was decided.

(11) At the meeting the Shorelines Commission recommendation is received, the City Council shall set a date for a public hearing on the proposal and recommendation. The hearing date shall be set sufficiently far in advance that the required notice can be given.

(12) The Administrator shall publish notice of the proposed amendment and the City Council public hearing on the same day of the week for the three consecutive weeks preceding the public hearing in one or more newspaper of general circulation in the area in which the hearing is to be held. The notice shall include the information required by section 11.23.090.

(13) The City Council shall conduct a public hearing on the proposed amendment. The hearing shall be conducted as provided in Section 11.23.100. At the hearing, members of the City Council may request such additional information as is reasonably necessary to evaluate the application.

(14) After the public hearing has concluded, the City Council shall decide the application.

(a) The decision may be made at the same public meeting as the public hearing or at another public meeting. The City Council shall vote on the application within thirty-two (32) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time.

(b) The decision shall be based on the decision criteria in Section 11.23.070 and, for amendments to the Grays Harbor Estuary Management Plan or affecting the estuary under the plan's jurisdiction, the decision criteria in Section 11.23.080.

(c) The City Council may condition the proposal or may adopt a more restrictive shorelines environment than requested in the application.

(d) If the City Council contemplates approving the application modified to such an extent that it results in a proposal not reasonably foreseeable from the description of the proposal contained in the hearing notice, the City Council shall hold a new hearing on the proposal as modified before approving the application. Notice of this public hearing shall be provided as required by Section 11.23.090. The notice shall be published at least ten days before the new hearing date.

(e) The City Council shall adopt findings of fact and conclusions which support the decision.

(f) If the City Council decides to approve the application, approve the application with conditions, or approve a more restrictive shorelines environment than requested by the application; the approval shall be in the form of an ordinance. Any conditions shall be included in the ordinance.

(15) Effect of Decision.

(a) The decision of the City Council on the application is the final decision of the City.

(b) The City Council decision shall not be reconsidered, except as a new application. See Section 11.23.110 for time limits for new applications.

(c) The decision of the City Council on the application may be appealed to the Superior Court as provided in Section 11.23.120.

(16) The decision of the City Council and the findings of fact and conclusions shall be reduced to writing and mailed to the applicant and transmitted to the Administrator by the Secretary of the City Council within seven (7) days of the date of the decision or within seven (7) days of the date of adoption of the ordinance whichever is later.

(17) The Administrator shall send a copy of any approved amendment and the information required by WAC 173-19-062 or its successor to the State of Washington Department of Ecology within fourteen (14) days of the date of the City Council decision.

(18) Notice of Appeal. The administrator shall mail official notice of the date and place for making an appeal to the applicant, any parties to an administrative appeal, and any persons who have requested notice of decisions on the proposal after the decision on the application is made. The notice must include the following: a statement that the appeal of the decision of the City Council to deny the shorelines amendment must be filed with Superior Court for Grays Harbor County within thirty (30) days of the decision or a statement that the appeal of the decision of the City Council to approve the shorelines amendment must be filed with Superior Court for Grays Harbor County within thirty (30) days of the decision of the Department of Ecology on the amendment, whichever is applicable and a statement that the appeal of the SEPA decision must be filed with Superior Court for Grays Harbor County with thirty (30) days of the date the notice is mailed or, if the notice is hand delivered, delivered. Where SEPA issues are first raised in an administrative appeal, the notice of appeal must also state that any person wishing to raise SEPA issues in a judicial appeal must give notice of the appeal to the City of Hoquiam responsible official within thirty (30) days of the zoning amendment decision date as required by WAC 197-11-680 (4)(d) or its successor. The address of the responsible official must be included in the notice. The notice of appeal may be appended to the permit or decision document, or may be separate. See WAC 197-11-680 (5) or its successor for additional information.

(19) The Department of Ecology shall review and decide the amendment.

(20) If the Department of Ecology denies or modifies the proposed amendment, the local government may appeal the decision to the State of Washington Shorelines Hearing Board as provided in RCW 90.58.190 and any implementing regulations.

(21) Commencement of Activity. The applicant or any other party authorized to conduct activities or uses by the decision may commence activity if all other required approvals are obtained on or after the effective date of any approved amendment. The effective date is generally thirty (30) days after the approval of the Department of Ecology.

(22) The City may begin development of shorelines amendments prior to beginning the process described in this section.

11.23.070 Decision Criteria.

(1) For amendments outside the jurisdiction of the estuary management plan, the City may approve or approve with conditions or modifications an application for a amendment only if each of the following criteria are met.

(a) The amendment is in accordance with the policies and procedures of the Shorelines Management Act of 1971.

(b) The amendment is in accordance with the Comprehensive Plan goals and policies.

(c) The amendment bears a substantial relationship to the public health, safety, or welfare.

(d) If the proposal involves a change in shorelines environment, the amendment is warranted because of changed circumstances, or because of a need for additional

property in the proposed environment, or because the proposed environment is appropriate for reasonable development of the subject property.

(e) If the proposal involves a change in shorelines environment, the subject property is suitable for development in general conformance with the standards under the proposed shorelines environment.

(f) If the proposal involves a change in shorelines environment, the amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

(g) The amendment complies with all other applicable criteria and standards of the Hoquiam Municipal Code.

(2) For amendments within the jurisdiction of the Grays Harbor Estuary Management Plan or to the plan, the City shall use the decision criteria in Section 11.23.080 below.

11.23.080 Grays Harbor Regional Planning Commission Processing of Amendments Affecting Provisions of the *Grays Harbor Estuary Management Plan* and Decision Criteria for Proposed Plan Amendments.

(1) If amendments are proposed this Shorelines Master Program that would affect or impact any provision of the *Grays Harbor Estuary Management Plan* or the estuary under the plans jurisdiction, they will be processed in the following manner in addition to the process provided in Section 11.23.060 of this chapter. The role of the Task Force in this process is to "review and comment" on the proposal to the local government involved. To ensure that the Task Force and its individual members are able to provide meaningful comments on amendments to the *Grays Harbor Estuary Management Plan*, the City of Hoquiam will consider plan amendments only during the March and September meetings of the Shorelines Commission.

(a) When a local government receives a request for an amendment to their Shoreline Master Program affecting the estuary, that request will be immediately forwarded along with explanatory materials and the SEPA Determination to the Grays Harbor Regional Planning Commission.

(b) Commission staff will immediately forward the request to the members of the Estuary Planning Task Force, Citizens Estuary Advisory Council, and individuals and groups who have requested to be notified of such requests.

(c) Task Force members will be polled to determine if the proposed amendment requires a special Task Force meeting.

(d) If no meeting is believed necessary, individual Task Force member comments along with those of advisory council members and other interested individuals will be forwarded directly to the local government by those individuals.

(e) If a meeting is believed necessary, the Task Force recommendation from that meeting will be forwarded to the local jurisdiction. Normally, such recommendations will be forwarded within 60 days from the time the Regional Planning Commission receives the request.

(2) In conducting a review of the proposed plan amendment, the Task Force, through its consensus decision making process, will prepare its recommendation to the local

jurisdiction using the following criteria. Applications for Shoreline Master Program amendments, therefore, should address these factors:

(a) The conformity of the amendment with the Estuary Management Goal, applicable Planning Area Guidelines, applicable Management Unit objectives and other plan objectives and policies;

(b) A demonstration that the activity is not already allowed elsewhere in the estuary or that other allowed locations are not suitable (land ownership is insufficient as a sole factor in determining suitability);

(c) A demonstration that the amendment will not cause unacceptable adverse effects on the local and estuarine natural systems or that these effects can be mitigated.

(d) An evaluation of the short- and long-term, primary and secondary effects of a proposed amendment will include:

(i) changes in land use patterns;

(ii) changes in energy supply and demands:

(iii) increased pressures for development in floodplains: streams and natural drainage ways, wetlands or other aquatic areas:

(iv) significant changes in air, noise or water quality levels, or potential violations of established standards:

(v) significant changes in surface or groundwater hydrology:

(vi) pressures for encroachment on fish or wildlife habitat;

(e) Additional factors include the degree to which an amendment would:

(i) set a precedent for other comparable amendments:

(ii) result in or promote a significant cumulative adverse impact: and,

(iii) affect significant historic, archaeological, pre-historic or scientific areas or facilities.

(3) In addition, any amendment to local Shoreline Master Programs must satisfy the requirements of the State Environmental Policy Act and the National Environmental Policy Act as appropriate. Once approved by a local jurisdiction, the amended Shoreline Master Program must be forwarded to the State Department of Ecology for approval. The Department of Ecology considers such Plan amendments to be part of its Routine Program Implementation. Such amendments are periodically assembled on a statewide basis and submitted to the Office of Ocean and Coastal Resource Management (OCRM) for review. Public comment can be submitted directly to OCRM at any time during this process.

11.23.090 Public Hearing Notice.

(1) The Administrator shall prepare notice for all applications.

(2) The notice shall include the information required by WAC 173-19-061 or its successor. This information includes the following

(a) Reference to the authority under which the amendment is proposed.

(b) A statement or summary of the proposed changes to the master program.

(c) The date, time, and location of the hearing, and the manner in with interested persons may present their views thereon.

(d) Whether the proposed amendment is available for review at the local government office or will be provided to interested persons upon request.

(e) Whether the proposal would amend the *Grays Harbor Estuary Management Plan* or affect the area under the jurisdiction of the plan.

(f) The SEPA determination on the application and a note that comments on the SEPA determination and SEPA documents may be made at the hearing.

(3) The Administrator shall mail a copy of the notice to the applicant and the property owner. The notice shall be mailed at least ten (10) days before the hearing date.

(4) If the hearing date is changed for any reason and the hearing has not be opened by the Shorelines Commission or City Council, a new notice giving the date, time, and place of the public hearing shall be published once in a newspaper of general circulation within the area in which the development is proposed and mailed to the applicant and the property owner. The notice shall be mailed and published at least ten (10) days before the new hearing date.

11.23.100 Conduct of Public Hearings.

(1) Who may participate. Any person may participate in the public hearing.

(2) How to Participate. Any person may participate in the public hearing in either or both of the following ways.

(a) By submitting written comments to the Administrator before the public hearing. The Administrator shall transmit all written comments received before the public hearing to the Shorelines Commission or City Council no later than the public hearing.

(b) By submitting written comments or making oral comments to the Shorelines Commission or City Council at the public hearing.

(3) Hearing Record.

(a) The Administrator or the Secretary of the City Council shall make an electronic sound recording of each hearing. The Administrator and Secretary shall retain the electronic sound recording of the hearing for at least six (6) years.

(b) When ever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the Administrator for at least two (2) years.

(4) Continuation of Hearing. The Shorelines Commission or City Council may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is made. No further notice of a continued hearing need be given unless a period of six weeks or more elapses between hearing dates. However, any person may request that the Administrator provide written notice of the date, time, and place of any continued hearing.

(5) Time Limits. The Shorelines Commission or City Council may place reasonable and equitable limitations on testimony, the presentation of evidence and arguments, and questions so the matter at issue may be heard and decided without undue delay.

11.23.110 Limitation on Refiling Applications. After a final decision denying an application, the Administrator shall not accept any further application for substantially the same property involving substantially the same proposal within one year from the date of the denial decision.

11.23.120 Appeal of City Council Decision to Superior Court.

(1) Who May Appeal. Any person may appeal the decision of the City Council to Superior Court.

(2) Time to Appeal. The decision of the City Council must be appealed to Superior Court no more than thirty (30) calendar days following the date of the City Council decision on the application or is thereafter barred.

11.23.130 Shorelines Environment Map Change. Following approval of a amendment amending the shorelines environment map, the Administrator shall alter the map to reflect the change in the environment. The Administrator shall also indicate on the map the number of the ordinance adopting the change.

11.23.160 Assurance Device. In appropriate circumstances, the City may require a reasonable performance assurance device in conformance with Section 11.28.130 to assure compliance with the provisions of the shorelines master program and any development conditions.

Chapter 11.24
Appeals of Administrative Decisions

Sections:

11.24.010 Scope
11.24.020 Applicability and Limitation on Subject of Appeals
11.24.030 Who May Appeal
11.24.040 Submittal Requirements
11.24.050 Time within which an Administrative Appeal must be Filed
11.24.060 Appeal Stays All Enforcement of Decision or Order Appealed
11.24.070 Decision Procedure for Appeals of Administrative Decisions
11.24.080 Appeal Decision Criterion
11.24.090 Public Hearing Notice
11.24.100 Conduct of Public Hearings
11.24.110 Limitation on Refiling Appeals
11.24.120 Appeal of Shorelines Commission Decision to Superior Court

11.24.010 Scope. This chapter establishes the procedure and criteria the City will use in deciding requests to review decisions made by the Administrator and other city staff during the administration of the shorelines master program.

11.24.020 Applicability and Limitation on Subject of Appeals.

(1) This chapter applies to all requests to review decisions and orders made by the Administrator and all other city staff under the shorelines master program.

(2) Decisions by the Administrator to approve substantial development permits, to deny substantial development permits, or to approve substantial development permits with conditions shall not be appealable to the City of Hoquiam Shorelines Commission. These decisions may be appealed as provided in Section 11.21.080 and Section 11.21.090.

11.24.030 Who May Appeal. Any person who is an applicant for a permit or approval, any person who requested an administrative decision, or any person adversely affected by any administrative decision.

11.24.040 Submittal Requirements. A person appealing the decision of city staff shall submit the following to the Administrator.

(1) A brief written statement containing the following information.

(a) The statement must indicate the facts that establish the appellant's right to appeal the decision.

(b) The statement must identify explicit exceptions and objections to the decision being appealed or identify specific errors in fact or conclusion.

(c) The statement must state the requested relief from the decision being appealed.

(d) The name and address of the person(s) appealing the decision.

(e) Give the address and use, if any, of any property involved in the appeal.

(2) Any fee set for appeals.

(3) Any other information as is reasonably necessary to make a decision on the appeal.

11.24.050 Time within which an Administrative Appeal must be Filed. A written statement appealing the decision must be filed with the Administrator no more than thirty (30) days from the date the decision is mailed or otherwise becomes effective. Activity commenced before the expiration of this appeal period based on an appealable decision or action is at the sole risk of the person taking the action. The City of Hoquiam and any of the City's officers, agents, or employees shall not incur any liability or risk.

11.24.060 Appeal Stays All Enforcement of Decision or Order Appealed. The filing of an appeal stays all actions by the Administrator or other city official seeking enforcement or compliance with the order or decision being appealed, unless the Administrator certifies to the Shorelines Commission that (because of the facts stated in the certificate) a stay would, in the opinion of the Administrator, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Shorelines Commission or a court, issued on application of the party seeking the stay, for due cause shown after notice to the Administrator. The stay is lifted after the decision of the Shorelines Commission.

11.24.070 Decision Procedure for Appeals of Administrative Decisions.

(1) The person appealing the decision, the appellant, shall submit the statement required by Section 11.24.040, any other necessary information and any required fees to the Administrator.

(a) The Administrator shall review the submittal and determine if it is complete. The appeal shall be considered filed when the statement is submitted and all required fees are paid. If incomplete, the appeal statement may be completed by the appellant after it is filed.

(b) The Administrator may establish deadlines by which an appeal must be filed to be heard at a specific meeting. Deadlines shall not be established more than thirty-five (35) days before Shorelines Commission meeting dates.

(c) The Shorelines Commission may limit the number of applications and appeals to be considered at a meeting as part of the Commission's rules of procedure.

(2) After the request for review is filed and complete, the Administrator shall schedule a public hearing for the next Shorelines Commission meeting where the appeal request can be accommodated and notice given. The Administrator shall provide notice of the hearing on the appeal as provided in Section 11.24.090.

(3) The Administrator shall prepare a written report on the decision being appealed setting forth the facts and conclusions on which the decision is based. The Administrator shall mail the written report to the appellant at least twelve (12) days before the hearing date.

(4) The Administrator shall mail the appellant's written statement and the Administrator's written report to the Shorelines Commission at least five (5) days before the hearing date.

(5) The Shorelines Commission shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 11.24.100. At the hearing, members of the Shorelines Commission may request such additional information as is reasonably necessary to evaluate the appeal.

(6) After the public hearing has concluded, the Shorelines Commission shall decide the appeal.

(a) The decision may be made at the same public meeting as the public hearing or at another public meeting. The Shorelines Commission shall vote on the appeal within thirty-two (32) days of the initial public hearing date unless the appellant agrees in writing to an extension of time.

(b) Decisions on appeals shall be based on the decision criterion in Section 11.24.080.

(c) The Shorelines Commission may reverse or affirm (wholly or partly) or may modify the order, decision, requirement, or determination appealed and may condition the relief granted on an appeal to ensure compliance with the Montesano City Code.

(d) The Shorelines Commission shall adopt findings of fact and conclusions which support the decision on the appeal and any required conditions.

(7) The decision of the Shorelines Commission and the findings of fact and conclusions shall be reduced to writing and mailed to the appellant by the Administrator within seven (7) days of the date of the decision.

(8). Notice of Appeal. Where the project or action being appealed is not exempt from SEPA, the administrator shall mail official notice of the date and place for making an appeal to the applicant, any parties to an administrative appeal, and any persons who have requested notice of decisions on the proposal after the decision on the application is made. The notice must include the following: a statement that the appeal of the decision on the administrative appeal use must be filed with Superior Court for Grays Harbor County within thirty (30) days of the decision and a statement that the appeal of the SEPA decision must be filed with Superior Court for Grays Harbor County with thirty (30) days of the date the notice is mailed or, if the notice is hand delivered, delivered. Where SEPA issues are first raised in an administrative appeal, the notice of appeal must also state that any person wishing to raise SEPA issues in a judicial appeal must give notice of the appeal to the City of Hoquiam responsible official within thirty (30) days of the administrative appeal decision date as required by WAC 197-11-680 (4)(d) or its successor. The address of the responsible official must be included in the notice. The notice of appeal may be appended to the decision document, or may be separate. See WAC 197-11-680 (5) or its successor for additional information.

(9) Effect of Decision.

(a) The decision of the Shorelines Commission on the appeal is the final decision of the City.

(b) The Shorelines Commission decision shall not be reconsidered, except as a new appeal. See Section 11.24.110 for time limits for filing new appeals.

(c) The decision of the Shorelines Commission on the appeal may be appealed to the Superior Court as provided in Section 11.24.120.

(10) Commencement of Activity. The appellant or any other party authorized to conduct activities or uses by the decision may commence activity or obtain other required approvals authorized by the decision of the Shorelines Commission on the appeal immediately after decision on the appeal by the Shorelines Commission. Activity commenced before the expiration of the appeal period provided in Section 11.24.120 is at the sole risk of the applicant or other party. The City of Hoquiam and any of the City's officers, agents, or employees shall not incur any liability or risk.

11.24.080 Appeal Decision Criterion. In deciding appeals, the Shorelines Commission shall consider only the merits of the appeal as it relates to the specific terms, phrases, or sections of the shorelines master program in question and shall not consider the merits of the proposal or the property affected by the decision.

11.24.090 Public Hearing Notice.

(1) Content of the Public Notice. The Administrator shall prepare notice for all public hearings and include the following information.

(a) The name of the appellant and, if applicable, the project name.

(b) If the appeal involves specific property, the street address of the subject property and a description of the property in non-legal terms sufficient to identify the location.

(c) A brief description of the decision which is being appealed.

(d) A brief description of the issues as stated in the appeal.

(e) The date, time, and place of the public hearing.

(f) A statement of the right of any person to participate in the public hearing as provided in Section 11.24.100 and the ways they may participate.

(2) Time of Notice. The Administrator shall mail and publish the notice at least ten (10) days before a hearing.

(3) Means of Notice. The Administrator shall provide notice for all public hearings in the following manner.

(a) Publishing notice of the public hearing in a newspaper of general circulation within the City.

(b) Mailing notice of the public hearing to the appellant and any affected project proponent.

(c) Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken.

11.24.100 Conduct of Public Hearings.

(1) Who may participate. Any person may participate in the public hearing.

(2) How to Participate. Any person may participate in the public hearing in either or both of the following ways.

(a) By submitting written comments to the Administrator before the public hearing. The Administrator shall transmit all written comments received before the public hearing to the Shorelines Commission no later than the public hearing.

(b) By submitting written comments or making oral comments to the Shorelines Commission at the public hearing.

(3) Hearing Record.

(a) The Administrator shall make an electronic sound recording of each hearing. The Administrator shall retain the electronic sound recording of the hearing for at least six (6) years.

(b) When ever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the Administrator for at least two (2) years.

(4) Continuation of Hearing. The Shorelines Commission may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is made. No further notice of a continued hearing need be given unless a period of nine (9) weeks or more elapses between hearing dates.

(5) Time Limits. The Shorelines Commission may place reasonable and equitable limitations on testimony, the presentation of evidence and arguments, and questions so the matter at issue may be heard and decided without undue delay.

11.24.110 Limitation on Refiling Appeals. After a final decision on an appeal, the Administrator shall not accept any further appeals for substantially the same property involving substantially the same issues within one (1) year from the date of the decision.

11.24.120 Appeal of Shorelines Commission Decision to Superior Court.

(1) Who May Appeal. The appellant or an affected project proponent may appeal the decision of the Shorelines Commission to Superior Court.

(2) Time to Appeal. The decision of the Shorelines Commission must be appealed to Superior Court no more than thirty (30) calendar days following the date of the Shorelines Commission decision on the appeal or is thereafter barred.

Chapter 11.25
Revocation of a Shorelines Permit or Variance

Sections:

11.25.010 Scope
11.25.020 Applicability
11.25.030 Authority
11.25.040 Decision Procedure for Revocation
11.25.050 Criteria for Revocation
11.25.060 Appeal of Shorelines Commission Decision to Superior Court

11.25.010 Scope. This chapter establishes the procedure and criteria the City will use in deciding whether to revoke shorelines substantial development permits, shorelines conditional use/activity permits, and shorelines variances. Revocation is authorized by RCW 90.58.140(8).

11.25.020 Applicability. This chapter applies to requests or decisions to revoke shorelines substantial development permits, shorelines conditional use/activity permits, and shorelines variances.

11.25.030 Authority. The Shorelines Commission shall have the power to revoke or modify approved shorelines substantial development permits, shorelines conditional use/activity permits, and variances.

11.25.040 Decision Procedure for Revocation.

(1) Initiation. The Shorelines Commission may initiate the revocation or modification of a permit or variance, if the Commission determines there is sufficient cause to hold a hearing on revocation of the permit or variance. City staff or other individuals who are aggrieved may request in writing that the Commission initiate revocation of a permit or variance.

(2) The Administrator shall schedule a public hearing for the next Shorelines Commission meeting where the review can be accommodated and the required notice given.

(3) Notice of Public Hearing.

(a) The Administrator shall publish a notice of the revocation hearing at least ten (10) days before the hearing date.

(b) The Administrator shall mail notice of the hearing to the parity to which the permit was issued, the owner of the property for which the permit was issued, the person or persons who requested the Shorelines Commission revoke the permit, and any persons who requested notice of the hearing in writing at least ten (10) days before the hearing date.

(c) The notice shall include the following information.

(i) The name of the permit holder and, if applicable, the project name.

(ii) The street address of the subject property and a description of the property in non-legal terms sufficient to identify the location.

(iii) A brief description of the issues.

(iv) The date, time, and place of the public hearing.

(v) A statement of the right of any person to participate in the public hearing as provided in Section 11.24.100 and the ways they may participate.

(4) The Shorelines Commission shall hold a public hearing before deciding whether to revoke or add conditions to the permit or variance. The public hearing shall be conducted as provided in Section 11.25.120. At the hearing, members of the Shorelines Commission may request such additional information as is reasonably necessary to evaluate the whether the permit or variance should be revoked.

(5) After the public hearing has concluded, the Shorelines Commission shall decide whether to revoke or add conditions to the permit or variance.

(a) The decision may be made at the same public meeting as the public hearing or at another public meeting. The Shorelines Commission shall vote on the revocation within thirty-five (35) days of the initial public hearing date.

(b) The decision shall be based on the decision criteria in Section 11.25.050.

(c) The Shorelines Commission may add conditions to the permit or variance.

(d) If the Shorelines Commission decides to revoke the permit or variance, the Commission may require restoration or reclamation of the property and may set time limits for the completion of these activities.

(e) The Shorelines Commission shall adopt findings of fact and conclusions which support the decision and any required conditions.

(6) The decision of the Shorelines Commission and the findings of fact and conclusions shall be reduced to writing and mailed by the Administrator to the permit holder, the property owner, the State of Washington Department of Ecology, and the Washington State Attorney General within seven (7) days of the date of the decision.

(7) Effect of Decision.

(a) The decision of the Shorelines Commission on the application is the final decision of the City.

(b) The decision of the Shorelines Commission on the revocation may be appealed to the Superior Court as provided in Section 11.25.060.

(c) If the Shorelines Commission revokes the permit or variance, all activity authorized by the permit or variance shall immediately cease, unless the Commission grants a period of time to complete the activity or reclaim the site or a court authorizes continued operation during an appeal.

11.25.050 Criteria for Revocation. The Shorelines Commission may revoke or modify a permit or variance if the Commission finds that one or more of the following criteria are met.

(a) The approval was obtained by fraud.

(b) The permit or variance is being exercised contrary to the terms or conditions of approval or in violation of law.

(c) The use or activity for which approval was granted is being exercised so as to be detrimental to the public health, safety, or welfare.

11.25.060 Appeal of Shorelines Commission Decision to Superior Court.

(1) Who May Appeal. Any person aggrieved by the decision on the revocation may appeal the decision to superior court.

(2) Time to Appeal. The appeal must be filed with the Superior Court within thirty (30) calendar days of the date of the Shorelines Commission decision or is thereafter barred.

Chapter 11.26
Revisions to an Approved Shorelines Permit or Variance

Sections:

11.26.010 Scope
11.26.020 Applicability
11.26.030 Authority
11.26.040 Decision Procedure for Permit Revisions

11.26.010 Scope. This chapter establishes the procedure and criteria the City will use in deciding whether to approve revisions to approved shorelines substantial development permits, shorelines conditional use/activity permits, and shorelines variances. Revisions are authorized by WAC 173-14-064 or its successor.

11.26.020 Applicability. This chapter applies to all requests for revisions to approved shorelines substantial development permits, shorelines conditional use/activity permits, and shorelines variances.

11.26.030 Authority. The Administrator shall have the power to revise approved shorelines substantial development permits, shorelines conditional use/activity permits, and variances.

11.26.040 Decision Procedure for Permit Revisions.

(1) The permit holder submits detailed plans and text describing the proposed revision, provides any fee set for a revision, requests that Administrator revise the permit.

(2) The Administrator shall review the material and determine if it is complete and adequate. The revision request shall not be deemed filed until the Administrator determines the application is complete and all required fees are paid.

(3) The Administrator determines whether the proposed revision is within the scope and intent of the original permit. If it is within the scope and intent of the original permit, the Administrator may approve the revision.

(4) "Within the scope and intent of the original permit" is defined by WAC 173-14-064 or its successor. The definition is included in this section as a convenience. If this section and WAC 173-14-064 or its successor conflict, the WAC shall control. "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 (10) percent from the provisions of the original permit, whichever is less.

(b) The ground area coverage and height of each structure may be increased a maximum of ten (10) percent from the provisions of the original permit.

(c) Additional separate structures may not exceed a total of two hundred fifty (250) square feet.

(d) The revised permit will not authorize the development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under the original permit.

(e) Any additional landscaping is consistent with the conditions (if any) attached to the original permit and with the applicable master program.

(f) The use authorized pursuant to the original permit is not changed.

(g) No substantial adverse environmental impact will be caused by the project revision.

(5) If the sum of the revision and any previously approved revisions violate the provisions of subsection 4 above, local government shall require that the applicant apply for a new permit to be processed as required by this master program.

(6) The decision of the Administrator may be appealed to the Shorelines Commission as provided in Chapter 11.24 within thirty days (30) of the decision date or shall be barred. Unless appealed, the decision of the Administrator is the final local government action. If the decision of the Administrator is appealed, the decision of the Shorelines Commission is the final local government action.

(7) Within eight (8) days of the date of the final local government action, the revision, including the revised site plan, text and the final decision on consistency with the criteria in this chapter, shall be filed with the State of Washington Department of Ecology and the Office of the Attorney General. In addition, the local government shall notify the applicant and any persons requesting notice of the action on the permit of the action.

(8) If the revision to the original permit involves a conditional use or variance which was conditioned by the State of Washington Department of Ecology, the local government shall submit the revision to the Department of Ecology for the Department's approval. The Department may approve the revision, approve the revision with conditions, or deny the revision. The revision shall state that it is being submitted for the Department of Ecology's approval as required by WAC 173-14-064(5) of its successor. The Department of Ecology shall make its decision and transmit to the local government and the applicant its final decision within fifteen days of the day the revision is received by the department. The local government shall notify the applicant and any persons requesting notice of the action on the permit of the department's final decision.

(9) The revised permit is effective immediately upon final action of the local government or, when approval of the Department of Ecology is required under subsection (8) above, the decision of the department.

(10) Appeals may be filed within thirty (30) days of the date of receipt of the local government decision by the Department of Ecology where the department does not need to approve the revision or thirty (30) days from the date of the Department of Ecology's final decision is transmitted to the local government and the applicant where the Department of Ecology must approve the revision.

Chapter 11.27
Time Requirements for Beginning and Completing Work Under Approved Shorelines Permits and Variances

Sections:

11.27.010 Applicability
11.27.020 Substantial Progress Towards Completion of Project Required within Two Years
11.27.030 Approved Permits Terminate in Five Years
11.27.040 Time Periods Do Not Run During Appeals
11.27.050 Permit Conditions Can Provide Less than Five Years to Complete Permit
11.27.060 Permit Revisions May Be Approved For Permits Which Have Expired Because of Section 11.27.030

11.27.010 Applicability. The time limits in this chapter shall apply to all approved permits. These time limits are taken from WAC 173-14-060. In certain cases the language of WAC 173-14-060 has been modified to make the requirements clearer. In the case where this modified language is found to conflict with WAC 173-14-060 or its successor, WAC 173-14-060 or its successor shall control.

11.27.020 Substantial Progress Towards Completion of Project Required within Two Years.

(1) Substantial progress towards Completion of a permitted use or activity shall be undertaken within two years after approval of the permit by the local government. Substantial progress shall include all of the following, where applicable: The making of contracts; signing of notice to proceed; Completion of grading and excavation; and the laying of major utilities; or, where no construction is involved, commencement of the activity.

(2) The City may authorize a single time extension of up to one year. The decision shall be based on reason factors which would justify the extension. The request for the extension must be filed with the City before the end of the time limit. Before deciding the request for the extension, the City shall give notice to the applicant, all parties of record, and the State of Washington Department of Ecology.

11.27.030 Approved Permits Terminate in Five Years.

(1) The authorization granted by an approved permit to construct any structure or conduct any use or activity shall terminate within five years after the date the permit is approved by the City.

(a) Where an approved permit authorizes the construction of a structure, the use of the structure and the maintenance of the structure may continue after the five period provided the structure was completed during the five year time limit or any approved extension.

(b) Where an approved permit authorizes a use or activity which does not require a structure, such as mining or maintenance dredging, the use or activity shall

cease at the end of the five year limit or any extension granted under subsection 2 of this section below.

(2) The City may authorize a single time extension of up to one year. The decision shall be based on reason factors which would justify the extension. The request for the extension must be filed with the City before the end of the time limit. Before deciding the request for the extension, the City shall give notice to the applicant, all parties of record, and the State of Washington Department of Ecology.

11.27.040 Time Periods Do Not Run During Appeals. The time periods in Sections 11.27.020 and 11.27.030 shall not include the time during which a use or activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.

11.27.050 Permit Conditions Can Provide Less than Five Years to Complete Permit. The City may issue permits with a fixed termination date of less than five years.

11.27.060 Permit Revisions May Be Approved For Permits Which Have Expired Because of Section 11.27.030. Revisions to permits under Chapter 11.26 of this master program may be authorized after the original permit has expired under Section 11.27.030, provided that this procedure shall not be used to extend the original permit time requirements.

Chapter 11.28
Administration and Enforcement

Sections:

11.28.010 Purpose
11.28.020 Conflict of Provisions
11.28.030 Severability
11.28.040 Building Permit and Other Permits to Comply with this Shorelines Master Program
11.28.050 Enforcement by Administrator
11.28.060 Inspections
11.28.070 Violation of this Master Program
11.28.080 Penalties
11.28.090 Notice in Writing, Order to Stop Work
11.28.100 Actions Brought Prior to Enactment of this Ordinance
11.28.110 Applications Filed Prior to Enactment of this Ordinance
11.28.120 Employees Not Personally Liable for Enforcement Acts
11.28.130 Assurance Device
11.28.140 Official Interpretations
11.28.150 Fees
11.28.160 Determining Days for Time Limits in this Shorelines Master Program
11.28.170 Lot Area and Setback Measurement
11.28.180 Transfer of An Approved Permit or Variance
11.28.190 Permit Conditions Must Be Satisfied Prior to Beginning Use or Occupancy
11.28.200 Miscellaneous Provisions

11.28.010 Purpose. The purpose of this chapter is to set forth the provisions for the interpretation, general administration, and enforcement of the shorelines master program.

11.28.020 Conflict of Provisions. Should a conflict occur between the provisions of this shorelines master program or between this shorelines master program and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this ordinance.

11.28.030 Severability. If any provision of this ordinance, or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this ordinance are declared to be severable.

11.28.040 Building Permit and Other Permits to Comply with this Shorelines Master Program. No building permit, septic tank 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 cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming their property to these requirements, rescind the sale, transfer or lease and recover cost of investigation, and reasonable attorney's fees occasioned thereby from the violator.

11.28.050 Enforcement by Administrator. The City Planner shall be the Administrator of this ordinance. The Administrator is charged with the enforcement of the provisions of this ordinance. The City Planner is not may assign enforcement tasks to other city staff.

11.28.060 Inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance or whenever the Administrator has reasonable cause to believe that their exists in any building, or upon any premises, any condition which makes such a building or premises nonconforming the Administrator may enter such building or premises. If the building or premises is occupied, the Administrator shall first present proper credentials and demand entry; and if the building or premises is unoccupied, the Administrator shall first make reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.

11.28.070 Violation of this Master Program. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, intensify, improve, convert, or demolish, equip, use, occupy, or maintain any building or structure or use, fill, or grade any land or water, or divide or subdivide any land or water in the City or cause the same to be done, contrary to or in violation of any of the provisions of this ordinance.

11.28.080 Penalties.

(1) Civil Penalty

(a) Action. The Hoquiam City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of the Act and/or of this Master Program, and to otherwise enforce the provisions of both.

(b) Non-compliance. Any person who fails to conform to the terms of a permit issued under this Master Program or who undertakes a development use or activity on the shorelines of the state without first obtaining a permit required under this Master Program or who fails to comply with a cease and desist order issued under these regulations shall also be subject to a civil penalty not to exceed one thousand (1,000) dollars for each violation. Each permit violation and/or day of continued use or development without a required permit shall constitute a separate violation.

(c) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(d) Notice of Penalty. The penalty provided for in this chapter shall be imposed by a notice in writing, either by certified mail with return receipt required or by personal service, to the person incurring the same from the (local government). The notice shall include the "content of order" specified in Subsection (g) of this section, Regulatory Order.

(e) Remission. Within thirty (30) days after the notice is received, the person incurring the penalty may apply in writing to the City of Hoquiam Administrator for remission or mitigation of such penalty. Upon receipt of the application, the Administrator may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this chapter by the City of Hoquiam shall be subject to review by the City Council. The City Council shall use the same procedure as used for Administrative Appeals, except that when used for reviewing penalties only, the City Council shall be substituted for the Shorelines Commission.

(f) Joint Order with Department of Ecology. In accordance with RCW 90.58.050 and RCW 90.58.210(4), any disputed penalty jointly imposed by the department and the City of Hoquiam shall be appealed to the State of Washington Shorelines Hearings Board. When a penalty is imposed jointly by the department and the City of Hoquiam, it may be remitted or mitigated only upon such terms as both the department and the City of Hoquiam agree.

(g) Regulatory Order

(i) Content of order. The order shall set forth and contain:

(a) A description of the specific nature, location, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this chapter may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.

(ii) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(iii) Compliance Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

(2) Delinquent Permit Penalty. A person applying for a permit after commencement of the use or activity may, at the discretion of the City of Hoquiam Administrator be required, in addition, to pay a delinquent permit penalty not to exceed three (3) times the appropriate permit fee: Provided, That a person who has caused, aided to abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation or penalty by the department or City of Hoquiam against said person may be subject to a delinquent permit penalty not to exceed ten (10) times the appropriate permit fee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

(3) Property Lien. Any person who fails to pay the prescribed penalty as authorized in this chapter shall be subject to a lien upon the affected property until such time as the

penalty is paid in full. The City Attorney shall file said lien against the affected property at the office of the County Assessor.

(4) Mandatory Civil Penalties. Issuance of civil penalties is mandatory in the following instances:

(a) The violator has ignored the issuance of an order or notice of violation.

(b) The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the City of Hoquiam.

(c) A person causes, aids or abets in a violation within two (2) years after issuance of a similar regulatory order, notice of violation or penalty by the department or City of Hoquiam against said person.

(5) Minimum Penalty Levels.

(a) Regarding all violations that are mandatory penalties, the minimum penalty is $250.

(b) For all other penalties, the minimum penalty is $100.

(6) General Criminal Penalty. In addition to incurring civil liability under Subsection 1, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the Act or of this Master Program shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five (25) dollars nor more than one thousand (1,000) dollars or by imprisonment in the county jail for not more than ninety (90) days for each separate offense, or by both such fine and imprisonment: Provided, That the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred (500) nor more than ten thousand (10,000) dollars.

(7) Violator's Liability - Damages, Attorney's Fees/costs. Any person subject to the regulatory program of the Act or of this Shorelines Master Program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this subsection on behalf of the City of Hoquiam. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing part.

11.28.090 Notice in Writing, Order to Stop Work. Whenever any building or premises is being constructed or used contrary to the provisions of this ordinance, the Administrator may order the work stopped by notice in writing served on the legal or equitable property owner or any person causing such work to be done and any such persons shall cause such work to be stopped until authorized by the Administrator to proceed with the work or make the use activity, structure, or portion thereof, comply with the requirements of this ordinance.

11.28.100 Actions Brought Prior to Enactment of this Ordinance. Enforcement of an action brought by the City under shorelines provisions existing prior to the enactment of this ordinance shall not be affected by enactment of this ordinance nor shall the rights of parties to such action be affected.

11.28.110 Applications Filed Prior to Enactment of this Ordinance.

(1) Any application filed with the City under prior shorelines master programs prior to the effective date of this ordinance shall be subject to ordinances in effect at the date of filing.

(2) Any variance from the Hoquiam Shorelines master program or shorelines conditional use/activity permit granted prior to the effective date of this master program shall be valid notwithstanding the provisions of this master program provided all conditions shall remain in force and effect and the variance or shorelines conditional use/activity permit is exercised within one year of the date it was approved or by any deadline set by the as part of the approval, which ever is later.

11.28.120 Employees Not Personally Liable for Enforcement Acts. Any employee charged with the enforcement of this ordinance, acting in good faith and without malice for the City in the discharge of duties, shall not hereby render himself/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the employee, because of such act or omission performed by him/her in the enforcement of any provisions of this ordinance, shall be defended by the City until final termination of the proceedings.

11.28.130 Assurance Device.

(1) General.

(a) Where authorized by this ordinance, the decision making body may require an assurance device to ensure compliance with the requirements of this ordinance.

(b) The assurance device may be a bond, non-revocable letter of credit, set-aside letter, assignment of funds, certificate of deposit, deposit account, or other readily accessible source of funds in a form acceptable to the City Attorney.

(c) Interest from any interest-bearing form of assurance device will accrue to the benefit of the depositor.

(d) The assurance device shall specify the date and time by which the work which it guarantees shall be completed.

(e) The assurance device shall specify the date and time by which the City can negotiate the device to obtain the funds to do the work it guarantees. In all cases the date and time shall be at least sixty (60) days after the deadline set in Subsection 11.28.150(d).

(2) Amount of Assurance Device. The City Engineer shall determine the amount of the assurance device as follows:

(a) For a performance device the amount will be one hundred and fifty (150) percent of the cost of the work or improvements covered by the assurance device based

on estimated costs immediately following the expiration of the device together with the City's cost of obtaining funds from the assurance device and administering the project.

(b) For a maintenance device the amount will not be less than twenty (20) percent of the cost of replacing the material covered by the assurance device based on estimated costs on the last day covered by the device together with the City's cost of obtaining funds from the assurance device and administering the project.

(c) The City Engineer may consult with one or more persons with special knowledge or expertise in determining the cost of work or improvements covered by an assurance device in a and b above. The applicant shall pay the actual costs of this consultation prior to the Director accepting the device.

(3) In each case where the City requires or allows an applicant to establish an assurance device, the owner of subject property shall give the City a signed notarized irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the device. The applicant shall file this license with the Administrator.

(4) Release of Assurance Device.

(a) After the work or improvements covered by a performance assurance device have been completed to the satisfaction of the City or, at the end of the time covered by a maintenance assurance device, the applicant may request the City to release the device.

(b) The City shall release such device as expeditiously as possible after receipt of a request for release.

(5) Use of Proceeds -- Notice to Property Owner. If during the period of time covered by a maintenance assurance device or after the date by which the required work or improvements are to be completed under a performance assurance device, the Public Works Director determines that the work or improvements have not been complied with, he/she shall notify the applicant. The notice must include the following information:

(a) The work that must be done or the improvement that must be made to comply with the requirements and the assurance device.

(b) The amount of time that the applicant has to commence and complete the required work or improvements.

(c) That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the assurance device to have the required work or improvements completed.

(6) Use of Proceeds -- Work by the City. If the work or improvements covered by the assurance device are not completed within the time specified in the notice given under paragraph 5 above, the City shall obtain the proceeds of the device and do the work or make the improvements covered by the device. The City may either have employees of the City do the work or make the improvements or, by using procurement procedures established by law, have a contractor do the work or make the improvements.

(7) Use of Proceeds -- Refund of Excess, Charge for all Costs. The property owner is responsible for all costs incurred by the City in doing the work and making the

improvements covered by the assurance device. The City shall release or refund any proceeds of a performance device after subtracting all costs for doing the work covered by the device and the costs of obtaining the proceeds of the device. The owner of subject property shall reimburse the City for any amount expended by the City that exceeds the proceeds of the device. The City shall have a lien against the subject property for the amount of any excess.

(8) Itemized Statement. In each case where the City uses any of the proceeds of the device, it shall give the owner of the subject property an itemized statement of all proceeds and funds used.

11.28.140 Official Interpretations. The Administrator shall be responsible for interpreting this ordinance and any tables and maps. Requests for an official interpretation may be made in writing to the Administrator. All official interpretations shall be in writing and copies of the interpretations shall be maintained by the Administrator. All interpretations may be appealed to the Shorelines Board as provided in Chapter 11.24.

11.28.150 Fees. The Hoquiam City Council shall be empowered to set all fees authorized by this ordinance by resolution, except fees for sending notices of applications to persons requesting notice which shall be set by the Administrator.

11.28.160 Determining Days for Time Limits in this Shorelines Master Program.

(a) Day means a calendar day beginning at midnight and ending on the following midnight.

(b) When counting the number of days for notices required by this Shorelines Master Program, the day a notice is mailed, posted, or published is not counted but the day of any hearing is counted.

(c) When counting the number of days or years for other time limits established by this title, the day a decision is made is not counted in the time limit.

11.28.170 Lot Area and Setback Measurement.

(1) Public and privately owned rights of way and access or transportation easements shall not be considered as part of the lot or as being within the lot lines for the purposes of determining the lot size, lot area, or the area of the site.

(2) Setbacks shall be measured at right angles from the appropriate lot line to the wall of the structure(s); provided that where a structure without a wall faces the appropriate lot line, the setback shall be measured to the post(s) or, if the building has no posts, a point that is five (5) feet under the roof overhang measured from the drip line of the roof. Where a lot, as defined in this ordinance, consists of more than one lot of record or platted lot, the term "appropriate lot line" shall mean the lot lines which form the boundaries of the entire contiguous ownership or as much of the ownership as is necessary to comply with the requirements of this ordinance. Nothing in this subsection shall be construed to allow the illegal division of land.

11.28.180 Transfer of An Approved Permit or Variance. An approved permit or variance may be transferred from the original applicant to any successors in interest to the applicant for the property for which the permit or variance was approved provided that all of the conditions and requirements of the approved permit or variance shall

continue in effect as long as the use or activity is pursued or the structure exists unless the terms of the permit are modified in accordance with the applicable provisions of this Shorelines Master Program.

11.28.190 Permit Conditions Must Be Satisfied Prior to Beginning Use or Occupancy. Where a permit is conditioned, the conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a non-structural activity provided that an alternative compliance limit may be specified in the permit.

11.28.200 Miscellaneous Provisions.

(1) Nothing is this Ordinance shall obviate any requirement to obtain any permit, certificate, license, or approval from any State agency or local government.

(2) Specific provisions of this Ordinance shall not be construed or limited by the wording or phrasing of the section titles or headings under which they fall.

Appendix A
Form of the Shorelines Application Form from WAC 173-14-110
Current as of June 1, 1989

(This appendix is not intended to be an ordinance of the City of Hoquiam and may be changed by the Administrator from time to time as the WAC section on which it is based changes.)

APPLICATION FOR SUBSTANTIAL DEVELOPMENT PERMIT,
CONDITIONAL USE/ACTIVITY PERMIT, OR VARIANCE

TO THE APPLICANT: This is an application for a substantial development permit, conditional use/activity permit, or VARIANCE as authorized by the Shorelines Management Act of 1971. It is suggested that you check with appropriate local, state, or federal officials to determine whether your project falls within any other permit systems.

1. Name of applicant _____

2. Mailing address _____

3. Relation of applicant to the property:

   Owner _____

   Purchaser _____

   Lessee _____

   Other _____

4. Name and address of the owner if other than the applicant

_____

_____

5. General location of the proposed project (please list the section to the nearest quarter section, section, township, and range)

_____

6. Name of water area and/or wetlands within which development is proposed.

_____

7. Current use of the property with existing improvements

_____

_____

8. Proposed use of the property (Please be specific)

_____

_____

9. (*To be completed by local official.*) Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel mud, clay, rock, riprap; and extent and type of bulkheads, if any:)

_____

_____

_____

_____

10. (*To be completed by local official.*) In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of units, existing and potential, that will have an obstructed view.

_____

11. (*To be completed by local official.*) If the application involves a conditional use/activity or variance, set forth in full that portion of the master program which provides that the proposed use/activity may be a conditional use or conditional activity, or, in the case of a variance, from which the variance is being sought.

_____

Project Diagrams: Draw all site plans and maps to scale, clearly indicating the scale on the lower right-hand corner and attach them to the application.

(a) *SITE PLAN*: Include on the plan:

(1) Site boundary.

(2) Property dimensions in the vicinity of project.

(3) Ordinary high-water mark.

(4) Typical cross section or sections showing:

(i) Existing ground elevations.

(ii) Proposed ground elevations.

(iii) Height of existing structures.

(iv) Height of proposed structures.

(5) Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of the ordinary high water-mark, if development involves grading, cutting, filling, or other alterations of land contours.

(6) Show dimensions and locations of existing structures which will be maintained.

(7) Show dimensions and locations of proposed structures.

(8) Identify source, composition, and volume of fill material.

(9) Identify composition and volume of any extracted materials, and identify proposed disposal area.

(10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, and electricity.

(11) If the development proposes septic tanks, does the proposed development comply with local health and state regulations.

(12) Shoreline designation according to the shorelines master program.

(13) Show which areas are shorelines and which are shorelines of state-wide significance.

(b) *VICINITY MAP*.

(1) Indicate site location using natural points of reference (roads, state highways, prominent land marks, etc.).

(2) If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.

(3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from the development site. (i.e., residential to the north, commercial to the south, etc.)

Appendix B
Form of the Shorelines Permit Application Notice Form from WAC 173-14-170
Current as of June 1, 1989

(This appendix is not intended to be an ordinance of the City of Hoquiam and may be changed by the Administrator from time to time as the WAC section on which it is based changes.)

NOTICE OF APPLICATION FOR SHORELINES MANAGEMENT
SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT
(Use Appropriate Heading)

NOTICE IS HEREBY GIVEN that (name of applicant) who is (describe relationship to property, such as owner, purchaser, lessee, etc.) of the below described property has filed an application for a substantial development, conditional use, or variance (use appropriate terms) permit for the development of (describe development and give any uses) located at (give street address if know otherwise give distance and direction to nearest town) and within the ____ quarter section of Section ____ of Township ____ N., Range ___ W.W.M., in (City or Town), (County), Washington. This development is proposed to be within (name of water body) and/or its associated wetlands. Any person desiring to express his or her views or to be notified of the action taken on this application should notify the (name and address of local government official) in writing of his/her interest within 30 days of the final date of publication of this notice which is (date).

Written comments must be received by (date).

First Publication: (date)

Second Publication: (date)

Appendix C
Form of the Shorelines Permit Form from WAC 173-14-120
Current as of June 1, 1989

(This appendix is not intended to be an ordinance of the City of Hoquiam and may be changed by the Administrator from time to time as the WAC section on which it is based changes.)

SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT
CONDITIONAL USE, OR VARIANCE

Note: this section for local government use only.

Application Number: _____

Administering Agency: _____

Date Received: _____

Approved _____ Denied _____

Decision Date: _____

Type of Action(s)
[ ] Substantial Development Permit
[ ] Conditional Use
[ ] Variance

Pursuant to RCW 90.58, a permit is hereby granted to:

_____
(Name of Applicant)

_____
(Address of Applicant)

To undertake the following development: (Please be specific)

_____

Upon the following property: (Please list the legal description, i.e., quarter section, section, township, and range)

_____

Within (name of water area) and/or its associated wetlands.

The project will (be/not be) within shorelines of statewide significance (RCW 90.58.030). The project will be located within a (environment) designation. The following master program provisions are applicable to this development: (state the master program section or page number): If a conditional use or VARIANCE, also identify the portion of the master program with provides that the proposed use or activity may be a conditional use or activity, or that portion of the master program being varied.

_____

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions:

_____

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140 (8) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY (30) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

_____ _____
Date Signature of Authorized Local Government Official

Note: this section for Department of Ecology use only in regard to a substantial development permit with a conditional use or variance.

Date received by the Department of Ecology: _____

Approved: _____ Denied: _____

This substantial development permit with a conditional use/variance is approved/denied by the Department of Ecology pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

_____

_____

_____ _____
Date Signature of Authorized Department Official

Appendix D
Form of the Shorelines Letter of Exemption Form from WAC 173-14-115
Current as of June 1, 1989

(This appendix is not intended to be an ordinance of the City of Hoquiam and may be changed by the Administrator from time to time as the WAC section on which it is based changes.)

EXEMPTION FROM SHORELINE MANAGEMENT ACT
SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

Shoreline Management Exemption Number: _____

To: _____
(Name and address of applicant)

The proposal by (name of applicant) to undertake the following development (please be specific)

_____

upon the following property: (please list the legal description, i.e., section to the nearest quarter section)

_____

_____

within (name of water area) and or its associated wetlands is exempt from the requirement of a substantial development permit because the development

_____
(Identify exemptions as outlined in WAC 173-14-040)

_____
(Corps Public Notice Number)

The proposal is consistent or inconsistent with:
(Check one column for each category.)

Consistent	Inconsistent	
[ ]	[ ]	Policies of the Shorelines Management Act.
[ ]	[ ]	The Shorelines Master Program.

_____ _____
Date Signature of Authorized Local Government Official

Appendix E
Areas Used for Log Rafting

Appendix F
State and Federal Letters of Intent to Use the GHEMP and Resolution From the Port of Grays Harbor

Appendix G
Management Unit 12 Exhibit

Appendix H
GHEMP Management Unit Map

C:\msword\smadir\hoqsmap1.doc K286i

NOAA COASTAL SERVICES CTR LIBRARY
3 6668 14112743 3