

Washington Coastal Zone Management Program

# SHORELINE MANAGEMENT

## MASTER PROGRAM

FOR JEFFERSON COUNTY AND  
PORT TOWNSEND, WASHINGTON.

CZIC COLLECTION

DRAFT



HT  
393  
.W2  
J43  
1981

ABSTRACT

DRAFT JEFFERSON-PORT TOWNSEND SHORELINE MANAGEMENT MASTER PROGRAM

AUTHOR: Jefferson County and the City of Port Townsend

SUBJECT: Management program for designated shorelines and associated wetlands of Jefferson County and the City of Port Townsend.

DATE: June 1981

DEPARTMENT AND PARTICIPATING LOCALITIES: Washington State Department of Ecology, Jefferson County Board of Commissioners, Port Townsend City Council, Jefferson-Port Townsend Shoreline Management Advisory Commission, Jefferson County Planning Department, and Port Townsend Shoreline Administrator

SOURCE OF COPIES: Jefferson County Planning Department, County Courthouse, Port Townsend, Washington 98368 (206-385-1427)

PROJECT NUMBER: G81-016B

SERIES NUMBER: Second edition

NUMBER OF PAGES: Sixty-five

ABSTRACT: The draft *Jefferson-Port Townsend Shoreline Management Master Program* is an update of the existing master program adopted in 1975. The update reflects legislative amendments to the Washington State Shoreline Management Act and current land use goals and policies of the City of Port Townsend and Jefferson County.

Several significant changes were made to the master program. The environmental designation "aquatic", which designates all water bodies and their respective water columns and underlying lands, was added. Development and use activities were, in part, recategorized and then reclassified under environmental designations in the form of a matrix chart. In order to implement the restoration goal of the Shoreline Management Act, a section was developed on the management of non-water dependent developments and uses. Other sections, including definitions, scope, administration, and variances, were clarified and updated.

To complete the program, the environmental designation map needs to be added. Further review and clarification is intended.

Property of CSC Library

U. S. DEPARTMENT OF COMMERCE NOAA  
COASTAL SERVICES CENTER  
2234 SOUTH HOBSON AVENUE  
CHARLESTON, SC 29405-2413

HT393. J43 1981  
# 14942679  
JUL 9 1981

*JEFFERSON-PORT TOWNSEND*  
*SHORELINE MANAGEMENT MASTER PROGRAM*

JUNE 1981

The preparation of this report was financially aided through 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.

## TABLE OF CONTENTS

	<u>PAGE</u>
SECTION 1 PURPOSES	
1.10 Findings	1
1.20 Purposes	1
1.30 Title	3
SECTION 2 DEFINITIONS	
2.10 General	4
2.20 Definitions	4
SECTION 3 SCOPE	
3.10 Geographic Jurisdiction	15
3.20 Liberal Construction	15
3.30 Applicability	16
3.40 Exemptions	16
SECTION 4 SHORELINE DEVELOPMENTS AND USES	
4.10 Environmental Designations	19
4.20 Application Classifications	21
4.30 Policies and Performance Standards	22
4.40 Unclassified	47
4.50 Shorelines of State-wide Significance	48
SECTION 5 NON-WATER DEPENDENT USES OR STRUCTURES	
5.10 Purpose	49
5.20 Construction	49
5.30 Reconstruction	49
SECTION 6 ADMINISTRATION	
6.10 General	50
6.20 Advisory Commission	50
6.30 Planning Department	51
6.40 City Administrator	52
6.50 County Commissioners and City Council	53
6.60 Application	
SECTION 7 VARIANCES	
7.10 General Variances	58
7.20 Administrative Variances	59
SECTION 8 LEGAL PROVISIONS	
8.10 Violations and Penalties	60
8.20 Appeals	61
8.30 Severability	62
8.40 Effective Date	62
8.50 Adoption	62
SECTION 9 REVISIONS	
9.10 Program Revisions	64
9.20 Permit Revisions	64

## SECTION 1

### PURPOSES

#### **Subsections**

- 1.10 Findings
- 1.20 Purposes
- 1.30 Title

#### **1.10 Findings**

The Jefferson County Board of Commissioners and the Port Townsend City Council, Washington, find that:

1. The Washington State Shoreline Management Act of 1971 as a law of the State of Washington requires that counties and cities incur certain duties, obligations, and responsibilities with regard to implementation of the act.
2. Jefferson County and the City of Port Townsend, through a jointly created and maintained shoreline management advisory commission, have performed the necessary prerequisites for the establishment of a master program such as preparing a shoreline inventory, delineating goals and policies, conducting extensive citizen informational and educational measures, and holding numerous public meetings and hearings.
3. The establishment of this master program will promote the public health, safety, and general welfare by serving as both a guide and regulation for the future development of the valuable shoreline resources of Jefferson County and the City of Port Townsend.

#### **1.20 Purposes**

The purposes of this master program are:

1. To carry out the responsibilities imposed on Jefferson County and the City of Port Townsend by the Washington State Shoreline Management Act (R.C.W. 90.58).
2. To promote the public health, safety, and general welfare by providing a guide and regulation for the future development of the shoreline resources of Jefferson County and the City of Port Townsend.
3. To further, by adoption, the policies of R.C.W. 90.58, and the goals of this master program, both which hereafter follow.

#### Policies

The Washington State Legislature finds the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines, necessitating

increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state which, at the same time, shall be consistent with 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 state's shorelines.

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

The legislature declares the interest of all people shall be paramount in the management of shorelines of state-wide significance. The Washington State Department of Ecology, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preferences to uses in the following order of preference, which are:

1. Recognize and protect the state-wide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long term over short term benefit.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public in the shoreline.
7. Provide for any other element as defined under R.C.W. 90.58.100 deemed appropriate and necessary.

In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments that are particularly dependent on their location or use of the shorelines of the state, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state 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 interference with the public's use of the water.

## Goals

1. Economic Development: To encourage utilization of economic resources to improve the standard of living for residents of Jefferson County and the City of Port Townsend, at the same time assuring that such resource utilization is compatible with the conservation element.
2. Public Access: To provide and maintain a balanced system of public access. Such a system would be designed to provide safe and adequate access to public shoreline recreational areas, while limiting to the minimum amount and kind of access to privately owned shorelines, beaches, and tidelands. A further specific objective of a balanced system is to help control access to fragile or critical areas as well as to those areas where service facilities are not adequate to serve large numbers of people.
3. Circulation: To recognize the importance of all types of circulatory systems to our region and to create and maintain a circulatory network capable of delivering people, goods, and services at the highest level of convenience, safety, reliability, and economy. Yet we do not want unpleasant side effects so we wish to see the secondary effects of circulatory system developments are accounted for in the planning of such systems. Circulation planning must be compatible with land use planning.
4. Recreation: To seek and provide proper recreational opportunities for local people. To encourage the proper development of recreational sites for visitors and to assure the management of present sites in a manner that will maintain and preserve the very resources that have created the demand for their use.
5. Shoreline Use: 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 that 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.
6. Conservation: To conserve and enhance the natural resources including scenic vistas, estuaries, beaches, shorelines, fragile ecological areas, fish, wildlife, timber, and land, water, and air.
7. Historical and Cultural: To protect and restore areas and sites having historical, cultural, educational, or scientific value.
8. Restoration: To encourage development in areas that have been previously blighted or degraded so such areas may be renewed or restored to a natural or useful condition.

### 1.30 Title

This document shall be known and may be cited as the *Jefferson-Port Townsend Shoreline Management Master Program*. This document may refer to itself as "this master program."

## SECTION 2

### DEFINITIONS

- 2.10 General
- 2.20 Definitions

#### **2.10 General**

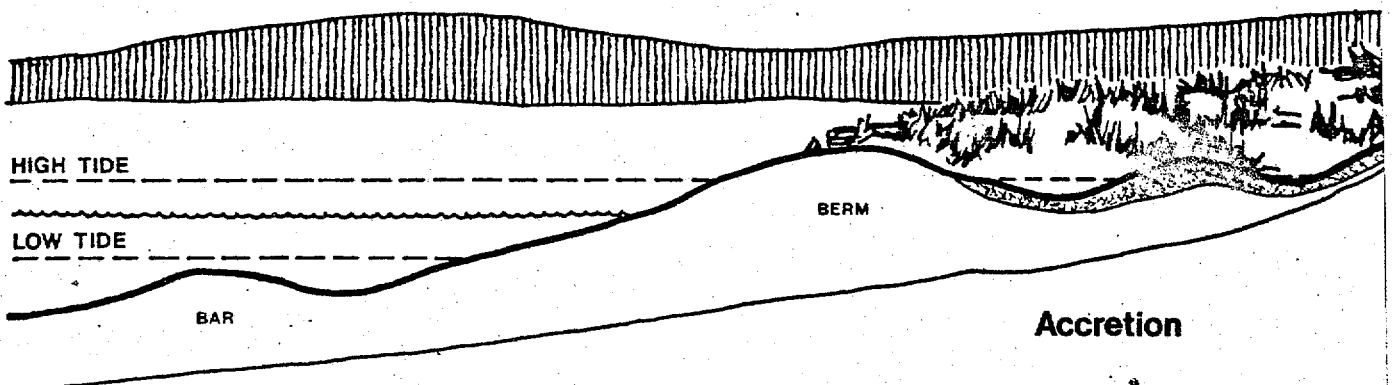
When not inconsistent with the context, words used in the present tense shall include the future, the singular shall include the plural, and the plural shall include the singular.

The word "shall" means the mandatory. The word "should" means recommend, but not required. The word "may" means permissive.

#### **2.20 Definitions**

For the purpose of this master program, certain words and terms shall be interpreted or defined as follows:

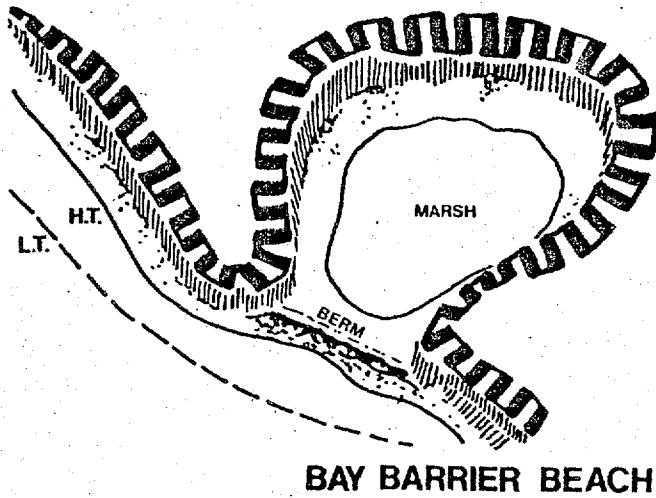
1. Accretion: Slow addition of land by depositing of water-borne sediment through the net effect of wave action and longshore drift.



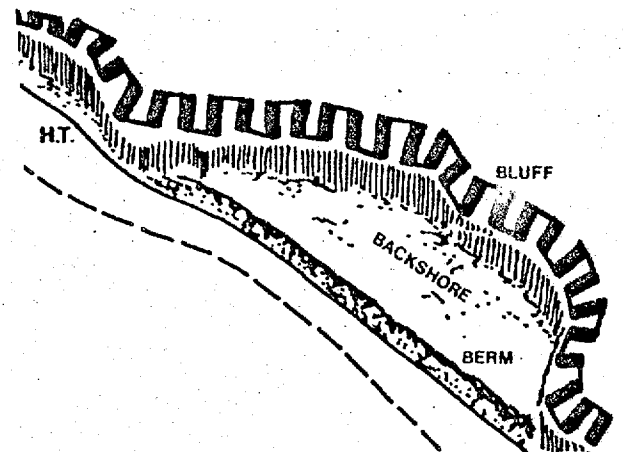
2. Act: The Washington State Shoreline Management Act (R.C.W. 90.58).
3. Advertising: Publicly displayed messages on signs, billboards, placards, or buildings whose purpose is to provide information or direction.
4. Agriculture: The cultivation of soil, production of crops, or the raising of livestock.
5. Aquaculture: The culture or farming of food fish, shellfish, or other aquatic plants and animals.
6. Aquatic: All water bodies, including marine waters, lakes, rivers, and streams and their respective water columns and underlying lands, which are defined as shorelines of the state.
7. Archaeology: The systematic recovery by scientific methods of material evidence remaining from man's life and culture in past ages, and the detailed study of this evidence.



8. Backshore: The storm tide wetted, but normally dry, area between the coastline and the high tideline. It may be a narrow gravel berm below a seabluff or a broader complex of berms, marshes, meadows, or dunes landward of the high tideline.
9. Barrier Beach: An accretional shoreform of sand and gravel that has been deposited by longshore drift, like storm barriers, in front of bluffs, bays, marshes, and estuaries.



**BAY BARRIER BEACH**



**BLUFF BARRIER BEACH**

10. Bar: Similar to spits and hooks, though generally not attached to the mainland during periods of high water.
11. Beach: A relatively level land area contiguous with the sea and generally composed of sand, rock, or mud.
12. Beach Feeding: A process by which beach material is deposited at one or several locations in the updrift portion of a driftway. The material is then naturally transported by waves downdrift to stabilize or restore eroding beaches and berms.
13. Berms: A linear mound of sand or gravel that is placed parallel to the shore at or above the ordinary high water mark.
14. Boat Launch: A slab, pad, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.
15. Bog: A shallow water area, which may be filled by sedimentation and the decaying of vegetation.

16. Boulder Zone: The technical name for a portion of any river or stream with a fixed stream pattern, a narrow valley cross section, a channel gradient of more than twenty-five feet per mile, and where streambed material is boulders and cobbles.

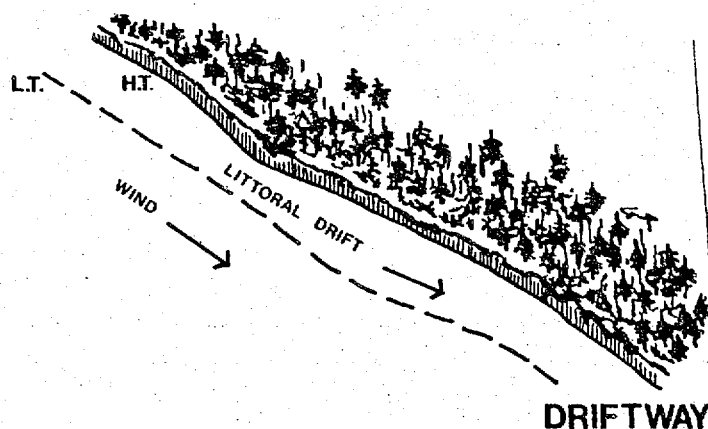


**BOULDER ZONE**

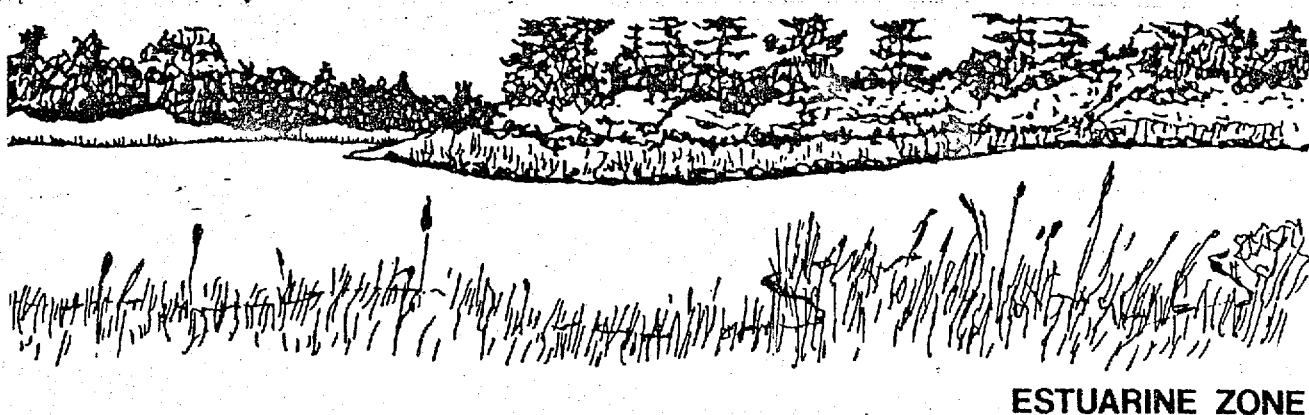
17. Breakwater: An offshore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigation activity from wave and wind action by creating a stillwater area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion. Most breakwaters in the Pacific Coast are rip-rap mound construction. Several include ancillary sand by-passing operations.
18. Bulkheads: A wall-like structure generally placed parallel to shore to retain an upland and fill prone to sliding or sheet erosion, and to protect an upland from erosion by water waves. Bulkheads are normally lighter than seawalls and similar to structures termed "revetments."
19. City: The incorporated City of Port Townsend, State of Washington.
20. Coastline: The highest landward line of long term marine water effect upon the land.
21. Commercial: Uses and facilities that are involved in wholesale or retail trade or business activities.
22. Conditional Use: That use that allows flexibility in administering this master program. It is a class of use that is deemed least desirable with the definition and policy of a particular shoreline designation.
23. Conservancy: An area with valuable natural, cultural, or historical resources or environmental conditions that should be protected, conserved, and managed to the extent that a continual supply of those resources such as soil, water, timber, fish, shellfish, or wildlife are not degraded or depleted but are maintained.
24. County: Jefferson County, State of Washington.
25. Creek: A small stream, often a shallow or intermittent tributary to a river. Surface water run-off flowing in a natural or modified channel that is drawn by gravity to progressively lower levels and eventually to the sea.
26. Development: A use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel,

or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters or overlaying lands subject to the Shoreline Management Act and this master program.

27. Dike: An artificial dirt or rock rip-rap bank that parallels a stream to retard erosion or prevent streambank overflow.
28. Dock: A structure built over or floating upon the water, used as a landing place for marine transport or for commercial or recreational purposes.
29. Dredging: The removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body.
30. Driftway: The foreshore area that connects a feeder bluff and its accretion shoreform where sand or gravel is deposited by net effect of wave action and longshore drift.

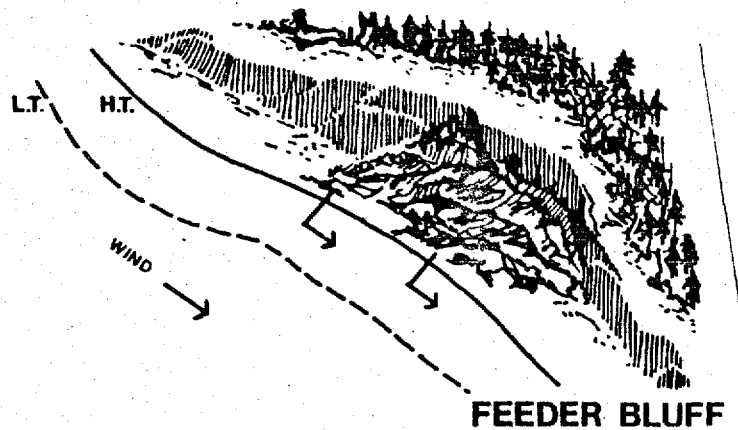


31. Educational: Of or relating to education.
32. Erosion: The group of natural processes including weathering, dissolution, abrasion, corrosion, and transporting by which earthy or rock material is removed from any part of the earth's surface.
33. Estuary: That portion of a coastal stream influenced by the tide of marine waters into where it flows and where the seawater is diluted with fresh water derived from land drainage.
34. Estuarine Zone: The technical name for a portion of any river or stream with a branched stream pattern, a flat valley cross section, a channel gradient plus or minus zero feet per mile, and a streambed material of silt or mud.

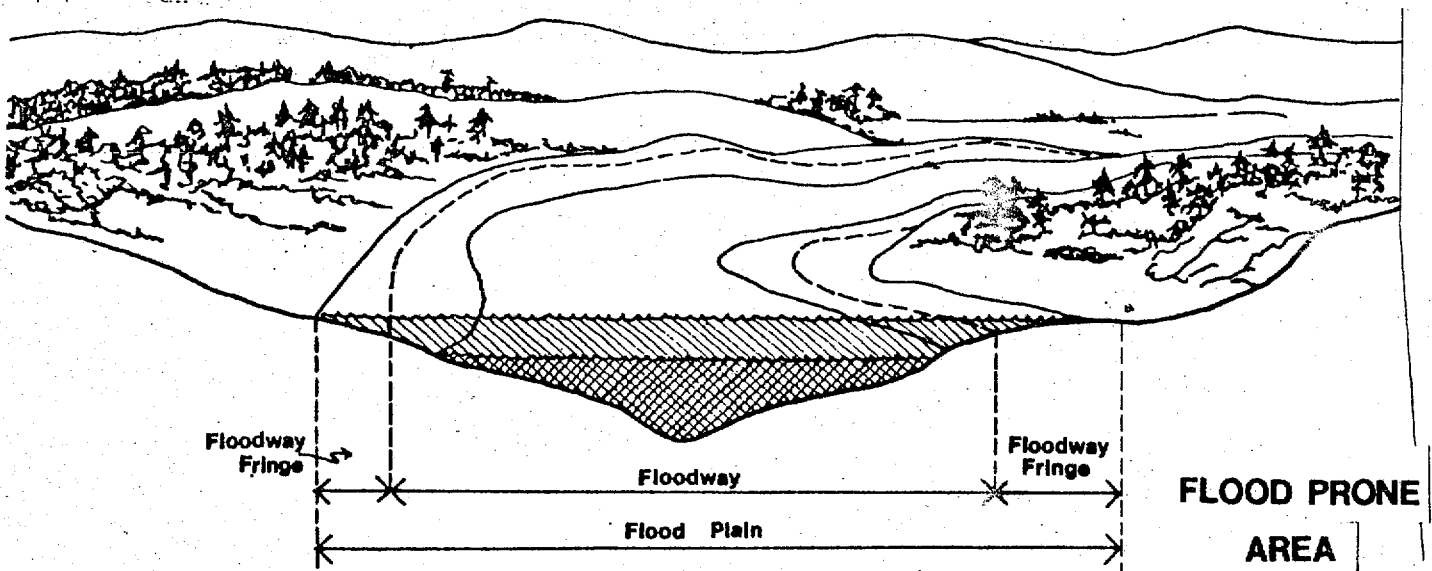


ESTUARINE ZONE

35. Extreme Low Tide: The lowest line on the land reached by a receding tide.
36. Feeder Bluff: A shore or sea bluff whose eroding material is transported by longshore drift and provides the building blocks and nourishment for spits, bars, hooks, and other accreting shoreforms.



37. First Class Tideland: The beds and shores of navigable tidal waters lying within or in front of the corporate limits of any city, or within one mile thereof, upon either side and between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.
38. Floats: Something that floats, such as a raft, bouy, landing platform, pontoon, etcetera.
39. Flood Plain: A plain bordering a river subject to flooding.



40. Floodway: Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; the floodway being identified under normal conditions

- by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
41. Foreshore: The intertidal area between the high and low tide lines.
  42. Forestry: Methods used for the protection, production, harvesting, and transporting of timber resources.
  43. Gabion: A mass of rock, rubble, or masonry tightly enclosed in wire mesh forming massive blocks that are used to form walls on beaches to prevent wave erosion or as foundations for breakwaters or jetties.
  44. Groin: A wall-like structure extending seaward from and usually perpendicular to the shore into the intertidal zone. Its purpose is to build or preserve an accretion beach on its updrift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.
  45. Harbor Area: The area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.
  46. Historical: Having considerable importance or influence in history; historic.
  47. Industrial: Centers for water borne traffic and associated manufacturing firms.
  48. Inner Harbor Line: A line located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area.
  49. Island: A land mass completely surrounded by water.
  50. Jetty: A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. On the Pacific Coast, most jetties are of rip-rap, mound construction.
  51. Lake: A body of standing water located inland, generally distinguished from marshes, bogs, and swamps by its greater depth.
  52. Landfill: The creation of a dry upland area by depositing material into water or onto shorelines or wetland areas.
  53. Marina: A facility that provides launching, storage, supplies, moorage, and services for pleasure and commercial watercraft.
  54. Marsh: An area of low-lying, wet land; a fen, swamp, or bog.
  55. Master Program: The comprehensive management plan for a described shoreline and water surface 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 R.C.W 90.58.020 and guidelines of W.A.C. 173-14 and 173-16.
  55. Mining: The removal of naturally occurring rock, sand, gravel, and minerals from the earth.

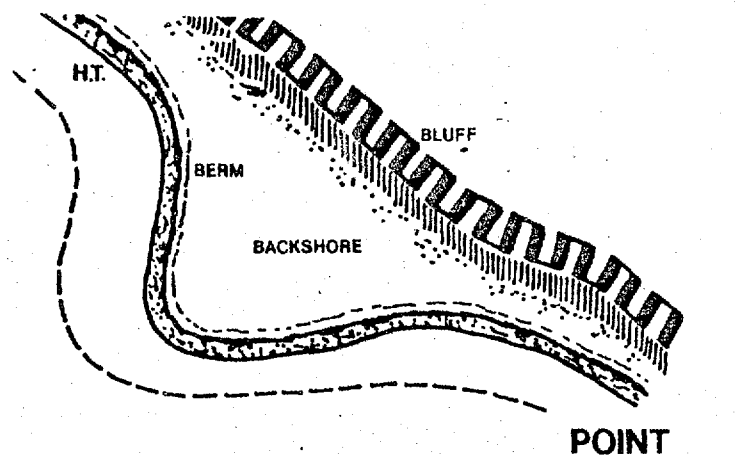
56. Natural: A shoreline possessing unique or fragile features, either natural or cultural, which are totally or essentially unaltered from their natural state or which are relatively intolerant of human use other than for passive historical, scientific, cultural, archaeological, or educational activity.
57. Offshore: The sloping subtidal area seaward from the low tide line.
58. Offshore Moorage Device: An offshore device anchored or otherwise attached to the sea bottom used to moor watercraft.
59. Ordinary High Water: That mark on all lakes, streams, and tidal waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation as that condition exists on June 1, 1981, 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.
60. Outer Harbor Line: A line located and established in navigable waters as provided in Section 1 of Article 15 of the Washington State Constitution, beyond which the state shall never sell or lease any rights whatsoever.
61. Parking Facility: An area providing for the storage of motor vehicles, including vista parking facilities.
62. Pastoral Zone: The technical name for a portion of any river or stream with a winding or sinuous stream pattern; a broad, rather flat valley cross section; a channel gradient of less than five feet per mile; and where streambed material is sand and silt.



PASTORAL ZONE

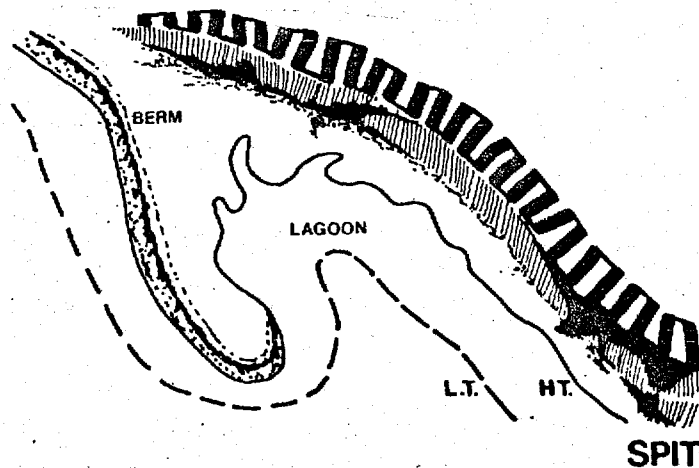
63. Permit: A permit to conduct substantial development as defined by R.C.W. 90.58.030(3)(e) and this master program.
64. Person: An individual, firm, partnership, corporation, association, organization, cooperative, public municipal corporation, state or local governmental agency, or any non-federal entity however designated.

65. Point: A low profile beach promontory, generally of triangular shape whose apex extends seaward.



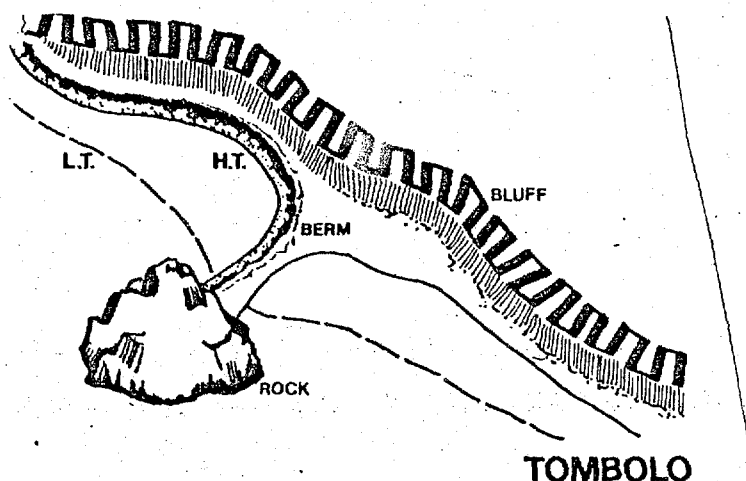
66. Primary Use: A use that is deemed preferable with the definition and policy of a particular shoreline designation.
67. Recreational: Facilities such as parks, trails and pathways, campgrounds, and swim rafts that provide a means for relaxation, play, or amusement.
68. Residence: The place in which one lives; a dwelling. The term residence shall include such common appurtenant structures as garage, carport, patio, access road, shed, workshop, and veranda when constructed above the high water line.
69. Residential: The development of land and/or the construction or erection of dwelling units for the purpose of residential occupancy.
70. River: A large natural stream of water emptying into an ocean, lake, or other body of water, and usually fed along its course by converging tributaries.
71. Scientific: Of, relating to, or used in science.
72. Seawall: A lake bulkhead, except its primary purpose is to artificially armour the shore from erosion by water waves and it may incidentally retain uplands or fills. Seawalls are usually more massive than bulkheads or revetments because they are designed to resist the full force of waves.
73. Second Class Shoreland: Land bordering on the shore of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side.
74. Second Class Tideland: Land over which the tide ebbs and flows outside and more than two miles from the corporate limits of any city from the line of ordinary high tide to the line of extreme low tide.
75. Secondary Use: A use which is not automatically deemed preferable with the definition and policy of a particular shoreline designation.
76. Shore Defense Work: Structures or modifications for the purpose of retarding shore erosion from wave or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, preventing stream-bank overflow, and retaining uplands. They may consist of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins, or gabions. Defense works are commonly constructed from quarry rock (i.e. rip-rap), treated wood, concrete, steel, and sand and gravel.

77. Shoreline Management Act: A law passed by the Washington State Legislature in 1971 and ratified by the voters that year; referenced as R.C.W. 90.58.
78. Shoreline Management Advisory Commission: The Jefferson-Port Townsend Shoreline Management Advisory Commission re-established pursuant to the master program.
79. Shoreline: All of the water area of Jefferson County, including reservoirs, and their associated wetlands, together with lands underlying them, except:
  - a. Shorelines of state-wide significance; and
  - b. Shorelines or segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
  - c. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.
80. Shoreline of State-wide Significance: A shoreline of the state with respect to Jefferson County and the City of Port Townsend as identified as follows:
  - a. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark, including associated wetlands; and
  - b. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide, which are Hood Canal from Tala Point to Foulweather Bluff south to the Mason-Jefferson County line, including associated wetlands; and
  - c. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide; and
  - d. Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at one thousand cubic feet per second or more. In Jefferson County these rivers are: the Clearwater River (from the confluence of the river and an unnamed creek within Section 25, Township 26 North, Range 10 West, W.M. downstream, excluding federal lands, to the Quinault Indian Reservation within Section 29, Township 24 North, Range 10 West, W.M.); the Hoh River (from the Olympic National Park boundary within Section 29, Township 27 North, Range 10 West, W.M. downstream to the Hoh Indian Reservation within Section 20, Township 26 North, Range 13 West, W.M.); and the Quinault River (from the east section line of Section 33, Township 24 North, Range 8 West, W.M. downstream to the Hoh Indian Reservation within Section 20, Township 27 North, Range 13 West, W.M.). These shall include any associated wetlands.
81. Spit: A narrow point of land extending into a body of water.





82. Stream: A body of running water; especially such a body moving over the earth's surface in a channel or bed, as a brook, rivulet, or river.
83. Substantial Development: Any development of which:
  - a. The total cost or fair market value exceeds \$1,000; or
  - b. Materially interferes with the natural shoreline process; or
  - c. Materially interferes with the normal public use of the water or shoreline of the state.
84. Suburban: Areas where residential activity may approach urban density, but usually where densities permit space for small numbers of livestock, gardens, or woodlots. These areas are served by individual or community water supplies, but generally are not linked with utilities from an urban center. Commercial activities to serve the needs of the immediate area are considered an integral part of this designation.
85. Swamp: A lowland region saturated with water.
86. Tomolo: A causeway-like accretion spit connecting an offshore rock or island with the main shore.



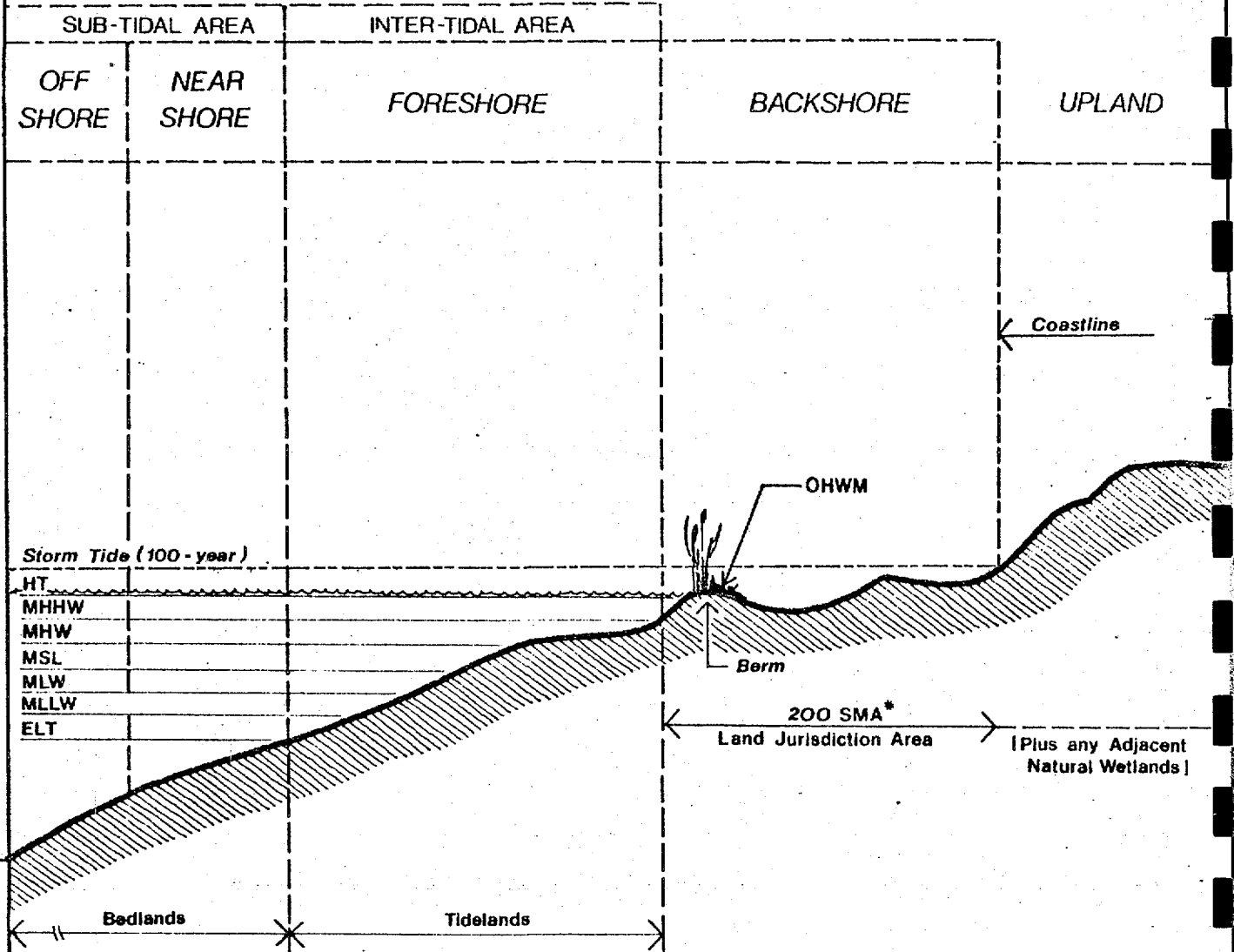
87. Transportation Facility: A passageway for motorized vehicles or trains, including but not limited to such devices as bridges, trestles, ramps, or culverts.
88. Upland: The higher parts of a region or tract of land.
89. Urban: An area of high intensity land use, including residential, commercial, and industrial development. This does not necessarily include all shorelines within an incorporated city, but is particularly suited to those areas planned to accommodate urban expansion.
90. Utility: A service or facility that produces, transmits, stores, processes, or disposes of electric power, gas, water, sewage, communications, oil, and the like.
91. Vegetative Stabilization: Planting of water-loving land vegetation upon shoreline banks, slopes, or berms to retain soil and retard erosion from surface run-off; planting of aquatic vegetation offshore to reduce wave action and retain bottom materials; and utilizing temporary structures or netting to enable plants to establish in unstable areas.

92. Waste Disposal: Refuse composed of garbage, rubbish, ashes, dead animals, demolition waste, automobile parts, and similar material.
93. Water Dependent: A use that is dependent on the water by reason of the intrinsic nature of its operation and can exist only on or near the water. Examples of such are: vessel terminals; watercraft transfer facilities; moorage facilities; aquaculture farms; and public waterfront accesses, parks, and beaches.
94. Waterway: A river, channel, canal, or other navigable body of water used for travel or transport.
95. Wetland: That land extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with streams, lakes, and tidal waters that are subject to the provisions of the Washington State Shoreline Management Act, the same designated as to location by the Washington State Department of Ecology.

# MARINE SHORE PROCESS CORRIDOR

PHYSICAL BOUNDARIES

JURISDICTIONAL BOUNDARIES



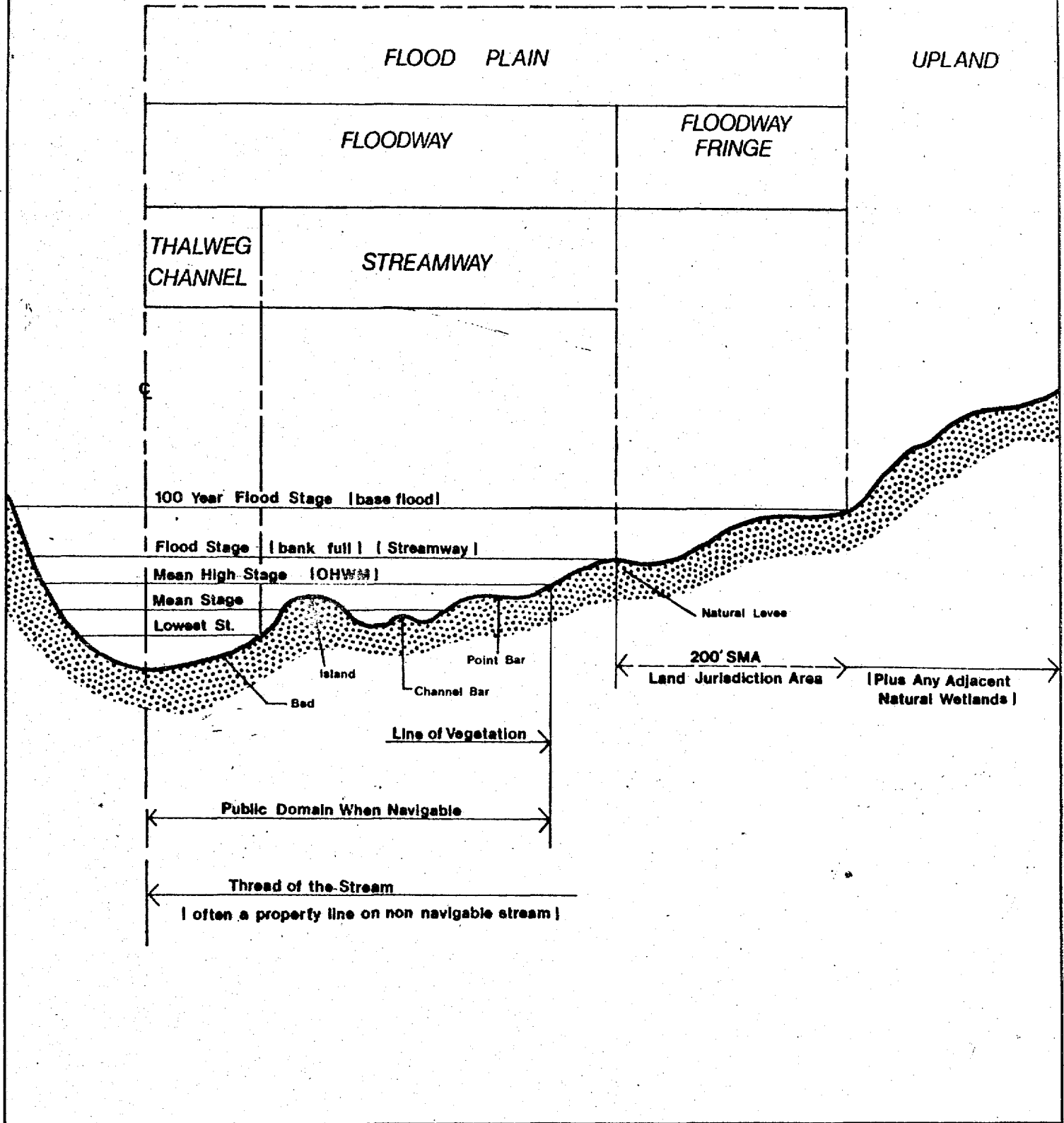
## LEGEND

- HT - Highest Tide [extreme highest tide]
- MHHW - Mean Higher High Water
- OHWM - Ordinary High Water Mark
- MHW - Mean High Water
- MSL - Mean Sea Level
- MLW - Mean Low Water
- MLLW - Mean Lower Low Water
- ELT - Extreme Low Tide

\* Shoreline Management Act

# MARINE SHORE COMPONENTS

# STREAM SHORE - PROCESS CORRIDOR



## STREAM SHORE COMPONENTS

## SECTION 3

### SCOPE

#### Subsections

- 3.10 Geographic Jurisdiction
- 3.20 Liberal Construction
- 3.30 Applicability
- 3.40 Exemptions

#### **3.10 Geographic Jurisdiction**

This master program shall apply to all the lands and waters in Jefferson County and the City of Port Townsend that are under the jurisdiction of Shoreline Management Act.

There is hereby made a part of this master program a map that shall be officially known as the *shoreline designation map*, but which for the purpose of brevity shall be referred to as "the map." There shall be only one official copy of this map that shall reside in the custody of the Jefferson County Planning Department. There may be unofficial copies of the map prepared for administrative purposes (see Appendix "B"). It shall be the responsibility of the Jefferson County Planning Department to keep the map current and in a readable condition.

Inasmuch as the map is an inseparable part of this master program, no part of the map may be altered or revised except on approval of the Washington State Department of Ecology as provided under R.C.W. 90.58.190.

The map will show the areas of Jefferson County and the City of Port Townsend that are under the jurisdiction of this master program. Further, the map will show the shoreline designations as they affect the various lands and waters of Jefferson County and the City of Port Townsend.

Where uncertainty or conflict may occur in the exact location of a jurisdictional boundary line, the official designations of the Washington State Department of Ecology shall be used. Where uncertainty or conflict may occur in the exact location of a shoreline designation boundary line, the written descriptions of the boundaries shall be used (see Appendix "A").

#### **3.20 Liberal Construction**

As provided under R.C.W. 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction; the act and this master program shall, therefore, be liberally construed to give full effect to the purposes, goals, policies, and standards for which the act and this master program were enacted. On the other hand, exemptions from the act or master program are to be narrowly construed.

### 3.30 Applicability

#### 3.301 Persons

This master program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state government agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters subject to this master program.

#### 3.302 Federal Agencies

1. Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government unless the federal government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.
2. The substantial development permit system shall apply to non-federal activities constituting developments undertaken on lands subject to non-federal ownership, lease, or easement, even though such lands may fall within the external boundaries of federal ownership.
3. The substantial development permit system shall apply to developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership to the federal government.
4. Federal agency actions shall be consistent with the approved *Washington State Coastal Zone Management Program* subject to certain limitations set forth in the Federal Coastal Zone Management Act (16 U.S.C. 1451 et seq.) and regulations adopted pursuant thereto.

#### 3.303 Development

This master program, including its definitions, purposes, goals, policies, and performance standards shall apply to all development as defined under Subsection 2.40(26) of this master program.

#### 3.304 Substantial Development

This master program, including its definitions, purposes, goals, policies, and performance standards, shall apply to all substantial development that is within in whole or in part wetlands and shorelines as defined under Subsection 2.40(83) of this master program.

Further, all substantial development within the scope of this master program shall obtain a shoreline management substantial development permit from Jefferson County or the City of Port Townsend in full compliance with the requirements of R.C.W. 90.58, appropriate provisions of W.A.C. 173-14, and this master program, with the exception of those substantial developments consistent with Subsection 3.40 of this master program.

### 3.40 Exemptions

#### 3.401 Official Exemption

Whenever a substantial development is eligible for exemption under Subsection 3.402 of this master program, the proponent shall secure a letter from

the Jefferson County Planning Department exempting the development from the substantial development permit requirements of Subsection 3.40 of this master program. (NOTE: Exemption from the substantial development permit requirements does not exempt a proposed development from compliance with the applicable policies and standards of this master program, or other applicable federal, state, and local permit or license requirements.)

### 3.402 Exemptions from Permit Requirements

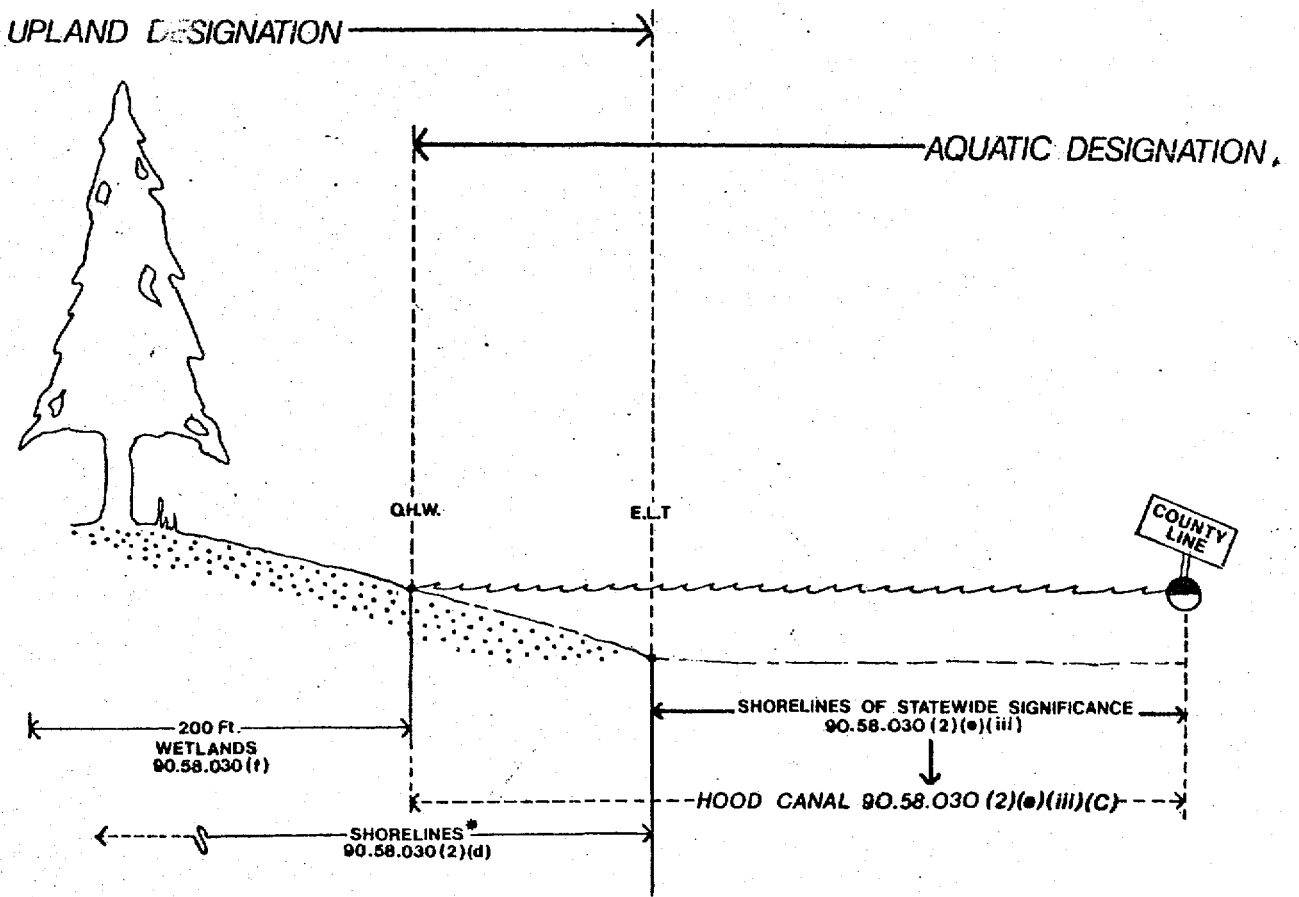
Those substantial developments that do not require issuance of a shoreline management substantial development permit are as follows:

1. Those lawfully established prior to the effective date of R.C.W. 90.58, which was June 1, 1981.
2. Those ongoing developments established after the effective date of the Shoreline Management Act that have already obtained permits in full compliance with R.C.W. 90.58 and related rules adopted thereafter, pursuant to W.A.C. 173-14.)
3. Construction by an owner, lessee, or contract purchaser of a single family residence for an owners use or family use; provided the residence (a) does not exceed a height of thirty-five (35) feet above average grade level, (b) does not involve over-water construction, and (c) meets all requirements of the state imposed pursuant to this master program. The term *residence* shall include such common appurtenant structures as garage, carport, patio, access road, shed, workshop, and veranda, when constructed above the high water line.
4. Normal maintenance or repair of existing lawful structures or developments, including damage by accident, fire, or elements.
5. Replacement of existing development that has been damaged by accident, fire, or elements; provided (a) the new development is essentially the same as the original in location size, design, function, and use, and (b) the new development is not subject to the provisions of Section 5 of this master program.
6. Construction of the normal protective bulkhead common to a single family residence; provided the bulkhead is in substantial alignment with the ordinary high water mark.
7. Emergency construction necessary to protect property from damage by the elements.
8. Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels; provided a feedlot of any size, all processing plants, other activities of a commercial nature, and 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.
9. Construction or modification of navigational aids such as channel markers. (NOTE: This does not include recreational mooring bouys.)

10. Construction of a new dock designed for pleasure craft only for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence when the cost of fair market value, whichever is lower, does not exceed two thousand five hundred dollars (\$2,500).
11. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a 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.
12. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
13. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1981 (the effective date of an amendment to R.C.W. 90.58), which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
14. Any project with a certification from the governor pursuant to R.C.W. 80.50.
15. The construction of up to five hundred (500) feet of one and only one road or segment of a road; provided such road does not enter the shoreline more than once. Such exemption from the permit requirements shall be limited to a single road or road segment for each forest practice, and such road construction shall be subject to the requirements of R.C.W. 76.09 and regulations adopted pursuant thereto and to the prohibitions or restrictions of this master program. Nothing in this exemption shall add to or diminish the authority of the Shoreline Management Act regarding road construction except as specifically provided herein. The provisions of this exemption shall not relate to any road that crosses over or through a stream, lake, or other water body subject to R.C.W. 90.58.



**SHORELINE MANAGEMENT**  
**SHORELINES OF THE STATE 90.58.030 (C)**  
**(THE SUM OF SHORELINES & SHORE OF STATEWIDE SIGNIFICANCE)**



\* Includes Streams With 20 C.F.S. Flow And Lakes 20 Acres And Associated Wetlands

## SECTION 4

### SHORELINE DEVELOPMENTS AND USES

- 4.10 Environmental Designations
- 4.20 Application Classifications
- 4.30 Policies and Performance Standards
- 4.40 Unclassified
- 4.50 Shorelines of State-wide Significance

#### **4.10 Designations**

The shorelines of Jefferson County, including the City of Port Townsend's shorelines, are intrinsically different. They have been designated into five categories to provide a uniform and equitable basis to guide and evaluate development proposals that take place among the different shoreline areas.

These five shoreline designations are explained below and are graphically portrayed on the shoreline designation map (see Appendix "B"). The upland shoreline designations (i.e. urban, suburban, conservancy, and natural) include wetlands as defined in this master program, extending to the extreme low tide level. In some instances the upland may contain dual shoreline designations. These limited instances occur where the area normally considered upland may accommodate more intense activity than the shoreline proper. The designation for all water bodies (i.e. aquatic) includes all shorelines of the state as defined in this master program. There is an intentional overlapping of the upland and aquatic designations between the ordinary high water mark and the extreme low tide. This overlap will require consideration of the associated upland and aquatic designation together during permit review.

#### 4.101 Aquatic Environmental Designation

##### Definition

All water bodies, including marine waters, lakes, rivers, and streams and their respective water columns and underlying lands, which are defined as shorelines of the state.

##### Policy

To protect the aquatic environment by managing appropriate use activities allowing either multiple use or single dominant uses in areas of unique conditions, while recognizing and assuring compatibility with adjacent upland shoreline designations.

#### 4.102 Conservancy Environmental Designation

##### Definition

An area with valuable natural, cultural, or historical resources or environmental conditions that should be protected, conserved, and managed to the extent that a continual supply of those resources such as soil, water, timber, fish, shellfish, or wildlife are not degraded or depleted but are maintained.

##### Policy

To protect, conserve, and manage existing resources and valuable historical and cultural areas in order to ensure a sustained resource utilization.

#### 4.103 Natural Environmental Designation

##### Definition

A shoreline possessing unique or fragile features, either natural or cultural, which are totally or essentially unaltered from their natural state, or which are relatively intolerant of human use other than for passive historical, scientific, cultural, or educational activity.

##### Policy

To preserve, maintain, or restore such a shoreline as a natural resource relatively free from human influence and to discourage or prohibit those activities that might destroy or degrade the natural characteristics that make these shorelines unique and valuable.

#### 4.104 Suburban Environmental Designation

##### Definition

Areas where residential activity may approach urban density, but usually where densities permit space for small numbers of livestock, gardens, or woodlots. These areas are served by individual or community water supplies, but generally are not linked with utilities from an urban center. Commercial activities to serve the needs of the immediate area are considered an integral part of this designation.

##### Policy

To provide permanent residential and recreational areas outside of urban areas, so long as development of these areas provide adequate facilities for sewage disposal, water supply, open space, and the like without severe degradation to the lifestyle that was sought initially.

#### 4.105 Urban Environmental Designation

##### Definition

An area of high intensity land use, including residential, commercial, and industrial development. This designation does not necessarily include all shorelines within an incorporated city, but is particularly suited to those areas planned to accommodate urban expansion.

##### Policy

To ensure optimum utilization of shorelines occurring within urbanized areas by providing for intensive public use and by managing development so it enhances and maintains the shorelines for a multiplicity of urban uses, while protecting insofar as practicable the quality of the shoreline environment.

#### **4.20 Application Classifications**

Development proposals that may choose to locate along the shoreline are categorized within each shoreline designation as primary, secondary, or conditional uses. This priority system determines the proposals administrative requirements and encourages activities that are compatible with each shoreline designation.

During application review, the basic element or intent of a proposed development will guide in the determination of the proposal's particular use activity. When a proposal contains two or more use activities within a shoreline designation, the least preferred category will be applied in permit administration.

In the review of a shoreline substantial development project, consideration will be given to the cumulative impact the project may have with similar use activities. This review is to ensure that the resulting total effect will not thwart the intent and policies of the particular shoreline environmental designation, nor result in substantial degradation of the shoreline itself.

#### 4.106 Primary Use

##### Definition

Those uses that are deemed as being preferable with the definition and policy of a particular shoreline designation.

##### Criteria

Applicants for substantial development permits will have no burden of proof regarding appropriateness of a primary use. A primary use must, however, comply with the performance standards specified for the particular type of development being reviewed.

ENVIRONMENTAL DESIGNATIONS		urban	suburban	conservancy	natural	aquatic
DEVELOPMENTS AND USES	ADVERTISING					
	on-premise	S	S	S	C	←
	off-premise	C	C	C	C	C
	AGRICULTURE	S	S	P	C	o
	AQUACULTURE					
	farming					
	harvesting					
	processing					
	BOAT LAUNCHES	P	P	S	C	←
	COMMERCIAL					
	water dependent	P	S	S	C	←
	non-water dependent	S	S	C	C	C
	DOCKS, PIERS, AND FLOATS	P	S	S	C	←
	DREDGING					
	maintenance					
	original					
	FOREST MANAGEMENT	P	P	P	C	o
	INDUSTRIAL					
	water dependent	P	S	S	C	←
	non-water dependent	S	C	C	C	C
	LANDFILL AND DREDGE DISPOSAL	S	S	C	C	C
	MARINAS	P	S	C	C	←
	MINING	C	C	C	C	o
	OFFSHORE MOORAGE DEVICES	S	P	P	C	←
	PARKING FACILITIES					
	vista	S	P	P	C	C
	non-vista	S	S	C	C	C
	RECREATIONAL					
campgrounds	C	S	S	C	o	
parks	P	P	S	C	←	
swim floats	S	P	S	C	←	
trails and pathways	P	P	P	S	o	
RESIDENTIAL						
single family developments	S	P	S	C	o	
multi-family developments	P	P	C	C		
SCIENTIFIC, ARCHAEOLOGICAL, HISTORICAL, AND EDUCATIONAL	P	P	P	S	S	
SHORE DEFENSE WORKS	S	S	S	C	C	
TRANSPORTATION FACILITIES	P	S	C	C	C	
UTILITIES	P	S	C	C	C	
WASTE DISPOSAL	C	C	C	C	C	

P = PRIMARY S = SECONDARY C = CONDITIONAL ← = SAME AS UPLAND o = NOT APPLICABLE

#### 4.107 Secondary Use

##### Definition

Those uses that are not automatically deemed as being preferable with the definition and policies of a particular shoreline designation.

##### Criteria

Applicants for substantial development permits for secondary uses will have the burden of proof to demonstrate that:

1. The proposed use will not be contrary to the general intent, purposes, goals, or policies of this master program.
2. The use will not be contrary to the definition and policies expressed for the particular shoreline designation where it is located.
3. The use will not necessarily interfere with public use of publicly owned land or private use of adjacent private land.
4. The use will cause no unnecessary adverse effects on the environment or other uses, and will be compatible with other permitted uses within the area.
5. Location, design, construction, and operation of the proposed use will comply with the performance standards specified for that type of development.

#### 4.108 Conditional Use

##### Definition

A conditional use is that which allows flexibility in administering the regulations of this master program. It is a class of uses that are deemed least desirable with the definition and policies of a particular shoreline designation.

##### Criteria

Applicants for substantial development permits for conditional uses will have the burden of proof to demonstrate that:

1. The proposed use complied with Items 1 through 5 of secondary use above.
2. Denial of the permit would result in a thwarting of the policies enumerated in R.C.W. 90.58.020.
3. The public interest suffers no substantial detrimental affect.
4. For unclassified uses, extraordinary circumstances preclude reasonable use of the property in a manner consistent with the policies and standards of this master program.

#### **4.30 Policies and Performance Standards**

The final guidelines (W.A.C. 173-16) established a format, including topics and broad definitions, for a number of potential developments and uses that could take place in the shoreline environment. The function of this section is to establish policies and performance standards for those activities. All shoreline developments, substantial developments, and uses are required to comply with these policies and standards when conducted within the geographic jurisdiction of this master program. This section, through the administration

of shoreline substantial development permit applications, implements the goals and policies of R.C.W. 90.58 and this master program, as well as the definition and policies of each shoreline environmental designation.

Although a proposed development appears to comply with the provisions of this master program, specific conditions, which ensure such compliance, may be attached as a condition of permit approval.

The performance standards contained herein are intended to augment standards established through other land development regulations or stipulations. Where conflicts arise between these and other applicable controls, the more stringent standard shall apply.

#### 4.301 Advertising

##### Definition

Publicly displayed messages on signs, billboards, placards, or buildings whose purpose is to provide information or direction.

##### Policies

1. Off-premise outdoor advertising signs should be limited to areas of high intensity land use such as commercial and industrial areas.
2. Outdoor advertising, signs, and billboards should be in conformance with the standards of Jefferson County and City of Port Townsend.
3. 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.
4. Outdoor advertising signs should be located on the upland side of public transportation routes that parallel and are adjacent to rivers and water bodies, unless it can be demonstrated that views will not be substantially obstructed.
5. Artificial lighting for signs or security shall be directed or beamed away from the water, public street, or adjacent property as to not cause glare or reflection that may constitute a hazard or nuisance.

##### Performance Standards

1. Recognized or officially delineated vistas or viewpoints shall be kept free of unnecessary signs.
2. Off-premise outdoor advertising signs and billboards are not permitted in the two hundred foot shoreline jurisdictional area.
3. On-premise advertising signs shall be constructed against or painted on buildings to minimize visual or access obstruction of the shoreline.
4. On-premise signs shall not extend in height beyond the highest exterior wall of the building to which the sign relates. Signs shall be erected upon the roofs of structures.
5. Artificial lighting for signs shall be directed or beamed away from the water, public street, or adjacent premises as to not cause glare or reflection that may constitute a traffic or boating hazard or nuisance.
6. Neon signs are not permitted in the shoreline area. No sign or part thereof shall consist of banners, posters, streamers, spinners, or other similar moving devices.
7. No signs shall be constructed or operated in a manner that obscures or detracts from the effectiveness of navigational aids.

## 4.302 Agriculture

### Definition

The cultivation of soil, production of crops, or the raising of livestock.

### Policies

1. Soils that are well suited for agriculture, resource production, and open space should be protected for these areas.
2. Erosion control measures should conform to guidelines and standards established by the U.S. Soil Conservation Service and the U.S. Department of Agriculture.
3. Buffer zones of permanent vegetation should be encouraged between tilled areas and associated water bodies in order to retard surface run-off, reduce siltation, and promote valuable shade for fish habitats.
4. Vegetative cover in areas subject to frequent flooding should be encouraged.
5. Pesticides should be used, handled, and disposed in accordance with provisions of the Washington Pesticide Application Act (R.C.W. 17.21) and the Washington Pesticide Act (R.C.W. 15.57) to prevent contamination and sanitation problems.
6. Livestock waste should be disposed in a manner that will prevent surface or ground water pollution.
7. Commercial feedlots should be restricted from locating on shorelines unless they can satisfactorily demonstrate no adverse environmental effects.

### Performance Standards

1. Erosion control measures shall conform to guidelines and standards established by the U.S. Soil Conservation Service and the U.S. Department of Agriculture.
2. Pesticides shall be used, handled, and disposed in accordance with provisions of the Washington Pesticide Application Act (R.C.W. 17.21) and the Washington Pesticide Act (R.C.W. 15.57) to prevent contamination and sanitation problems.
3. Livestock waste shall be disposed in a manner that will prevent surface or ground water contamination.
4. Feedlots, corrals, stockyards, or facilities for the retention or storage of wastes from these areas are prohibited unless it can satisfactorily be demonstrated that no adverse environmental effects will result from such uses.
5. Watering for livestock along creeks, streams, rivers, and lakes shall demonstrate that:
  - a. No other feasible watering method is available;
  - b. Adequate provisions are made to ensure existing water quality; and
  - c. Adequate provisions are made to prevent erosion of soils and destruction of vegetation.
6. Easements for fishing, hunting, and pedestrian pathways shall be established when practicable.
7. Buffer zones or permanent vegetation shall be established and/or maintained



between tilled or grazed areas and associated water bodies to retard surface run-off, reduce siltation, and promote valuable shade for fish and habitat or other wildlife.

#### 4.303 Aquaculture

##### Definition

The culture or farming of food fish, shellfish, or other aquatic plants and animals.

##### Policies

1. Aquacultural enterprises should be located in areas that are particularly suited to that activity with due consideration to other uses of those waters.
2. Recognition should be given to the possible detrimental impact aquacultural development might have on the general aesthetic quality of the shoreline area.
3. As aquaculture technology expands with increased knowledge and experience, emphasis should be placed on structures that do not interfere with navigation or impair the aesthetic quality of the state's shorelines.

##### Performance Standards

1. Aquacultural activities shall be located as to provide reasonable navigational access to waterfront property owners.
2. Aquacultural structures shall be placed, when practicable, as to minimize interference with surface navigation.
3. Aquacultural development shall be designed and constructed to harmonize insofar as possible with the local environment, and shall be maintained in a neat and orderly manner.
4. Aquacultural development shall make reasonable provisions to control nuisance factors such as excessive noise or odor.
5. Aquacultural wastes shall be disposed in a manner that will prevent degradation of associated upland, wetland, shoreline, or water environments.
6. Structures or activities associated with aquaculture that is not shoreline dependent shall be located inland, away from the shoreline proper, when practicable.
7. Equipment, structures, and material shall not be abandoned in the shoreline or wetland area.
8. Aquacultural facilities or structures that are hazards to navigation shall be suitably marked.
9. Special precautionary measures shall be taken to minimize the risk of oil or other toxic materials from entering the water or shoreline area.

#### 4.304 Boat Launches

##### Definition

Slabs, pads, planks, rails, or graded slopes used for launching boats by means of a trailer, hand, or mechanical device.

### Policies

1. Boat launches should be installed in such a manner as to minimize adverse effects on natural and physical shoreline resources.
2. Boat launches should be installed as to not unnecessarily interfere with the rights of adjacent property owners, nor with adjacent water uses.
3. Public boat launches should be located with regard to anticipated future needs of the region.

### Performance Standards

1. Boat launches shall be located with regard to favorable conditions related to wind, current, and bathymetrics.
2. Boat launches and ancillary facilities shall be located, designed, constructed, and operated as to minimize adverse effects on fish, shellfish, wildlife, water quality, and existing geohydraulic shoreline and stream processes.
3. Adequate off-road parking and loading areas shall be provided.
4. Parking and loading areas shall be located away from the immediate water's edge and beaches.
5. Design of parking and loading areas shall assure that surface run-off does not pollute adjacent waters or cause soil or beach erosion.
6. Ample room for the handling and maneuvering of boat trailers shall be made available at the launch site.
7. Provisions shall be made as to facilitate orderly launching and retrieval of boats, as well as the movement of vehicles and trailers in the launching area.
8. Boat launches shall be located, designed, constructed, and operated to not unnecessarily interfere with the rights of adjacent property owners, nor interfere with adjacent water uses.
9. Boat launches shall provide adequate on-shore sewage and waste disposal facilities and a means for effective operation.
10. Boat launches shall be clearly separated from nearby swimming areas.
11. Docks and floats associated with boat launches shall conform with the applicable policies and performance standards of this master program.

### 5.305 Commercial

#### Definition

Uses and facilities that are involved in wholesale or retail trade or business activities.

#### Policies

1. Priority should be given to those commercial developments that are particularly dependent on shoreline locations.
2. Commercial developments not requiring shoreline locations shall be located upland.
3. 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.

4. Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.
5. Location of commercial activities should be consistent with local plans, codes, and ordinances.
6. Adequate parking facilities should be designed commensurate with the level of the commercial activity.
7. Water dependent commercial is preferable to non-water dependent commercial in the shoreline area.

#### Performance Standards

1. New commercial developments shall locate adjacent to existing commercial developments whenever practicable.
2. Commercial developments shall not interfere with the enjoyment of adjacent recreational or residential uses.
3. Commercial parking and loading areas shall be located away from the immediate water's edge and beaches.
4. Design of parking and loading areas shall assure that surface run-off does not pollute adjacent water or cause soil or beach erosion.
5. Outdoor advertising and signs shall comply with applicable policies and performance standards of this master program.
6. Water supply and waste disposal facilities shall comply with established guidelines, standards, and regulations.
7. New or expanded structures shall not extend more than thirty-five feet in height above average grade level when such development will obstruct the view of a substantial number of adjacent residences or properties.
8. Parking facilities shall be designed to accommodate the level of the anticipated commercial activity.

#### 5.306 Docks, Piers, and Floats

##### Definition

A structure built over or floating upon the water, used as a landing place for marine transport or for commercial or recreational purposes.

##### Policies

1. The type, design, and location of docks and piers should be compatible with the shoreline area where they are located. Consideration should be given to shoreline characteristics, tidal action, aesthetics, adjacent land and water uses, and the like.
2. Priority should be given to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.
3. The problem of the proliferation of single-purpose private piers should be addressed, and criteria should be established for their location, spacing, and length.
4. In permitting boat docking facilities, Jefferson County and the City of Port Townsend should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats, including gas and oil spillage.

### Performance Standards

1. Piers and docks shall be located and designed in a manner that does not interfere with geohydraulic shoreline processes.
2. The location and design of docks and piers, as well as the subsequent use shall minimize adverse effects on fish, shellfish, wildlife, and water quality.
3. Docks and piers shall be located, designed, and operated to not unnecessarily interfere with rights of adjacent property owners, nor interfere with adjacent water uses.
4. As a general rule, docks and piers shall not exceed:
  - a. A length greater than the average length of existing docks or piers of abutting property owners; and
  - b. A length necessary to serve the deepest craft vessel expected to use the dock facility.
5. A jointly-used dock or pier that regularly serves more than four boats shall comply with performance standards for marinas in this master program. This requirement shall not, however, apply to commercial or industrial docks or piers that are used for the sole purpose of loading or unloading commodities.
6. Commercial and industrial docks and piers shall make provisions for the orderly, safe, and efficient movement of vehicles and pedestrians in the dock area.
7. Commercial and industrial docks where toxic or flammable materials are handled or stored shall make adequate provisions to minimize the probability of spills. Provisions shall be made to handle accidental spills that do occur.
8. Public docks or piers used for fishing or similar purposes shall make adequate provisions for parking and sewage and solid waste disposal.
9. All docks, piers, floats, and similar devices shall be so marked as to prevent a hazard to navigation at any time during the day or night.
10. No dock, pier, float, or similar device shall be used for residential purposes.
11. Enclosed structures shall not be built on non-commercial docks and piers.
12. Mooring floats shall be designed in such a manner as to lessen impact on the beach substrate and geohydraulic processes.

### 5.307 Dredging

#### Definition

The removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body.

#### Policies

1. Dredging should be controlled as to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of dredged materials.
2. Long range plans should be developed for the deposit and use of spoils on land. Spoil deposit sites in water areas should also be identified by local government in cooperation with the Washington State Departments of Natural Resources, Game, and Fisheries.

3. Sewage treatment, water reclamation, desalinization, and power plants should be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands. Waste treatment ponds for water related industry should occupy as little shoreline as possible.
4. The cooperative use of docking, parking, cargo handling, and storage facilities should be strongly encouraged in waterfront industrial areas.
5. Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad design and construction. Where feasible, transportation and utility corridors should be located upland to reduce pressures for the use of waterfront signs.
6. Since industrial docks and piers are often longer and greater in bulk than recreational and residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water dependent uses and shoreline resources.
7. 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.

#### Performance Standards

1. Only shoreline dependent industry shall be permitted on shoreline locations. The only exception to this rule shall be when other shoreline oriented industry can clearly demonstrate that no other site location is practicable.
2. Industrial development shall be located, designed, constructed, and operated in such a manner as to minimize adverse effects on aquatic life.
3. Industrial developments shall comply with all federal, state, regional, and local requirements regarding air and water quality. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted that are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
4. Industrial and port facilities shall be located, designed, constructed, and operated as to minimize unnecessary interference with the rights of adjacent property owners, as well as adjacent shoreline or water uses.
5. Industrial and port facilities shall not duplicate but share overwater structures such as docks and piers whenever practicable. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
6. Industrial and port facilities shall make adequate provisions to minimize the probability of spills of fuel or other toxic substances. Provisions shall be made to handle accidental spills that occur.
7. No activity shall omit dangerous radioactivity at any point, or electrical disturbances adversely affecting the operation of any equipment at any point other than that of the creation of such disturbance.
8. Objectionable noise that is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

3. Depositing of dredge material in water areas should be allowed only for habitat improvement to correct problems of material distribution adversely affecting fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.
4. Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.

#### Performance Standards

1. Dredging shall cause no more than minimal damage to water quality fish, shellfish, essential marine biological elements, and other natural resources.
2. Dredging shall cause no more than minimal disruption of natural geohydraulic processes along shores and streams.
3. Dredging operations shall be scheduled as to not materially interfere with the migratory movements of anadromous fish.
4. Dredging shall not cause unnecessary interference with navigation or unnecessary infringement upon adjacent shorelines uses, property, or values.
5. Dredged material shall be deposited on upland sites whenever possible, and only on those sites authorized by the shoreline management substantial development permit.
6. Dredge materials deposited on upland sites shall constitute landfill, and when desposited within the geographical jurisdiction of this master program, shall comply with applicable performance standards.
7. Depositing of dredged materials in water areas shall be allowed only:
  - a. For wildlife habitat improvement; or
  - b. To correct problems of material distribution adversely affecting fish and shellfish resoruces; or
  - c. When the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas; or
  - d. In dredge spoil disposal areas authorized and delineated by the state and county; or
  - e. For the enhancement of geohydraulic shore processes by beach feeding.
8. Depositing of dredged materials in water areas shall be done in a manner that does not unnecessarily disrupt natural geohydraulic processes or interfere with the use of value of adjacent property.
9. Maintenance dredging shall only be conducted upon the completion of a dredge spoils management plan for the site based on compliance with the policies and performance standards of this section.

#### 4.308 Industrial

##### Definition

Centers for water borne traffic and associated manufacturing firms.

##### Policies

1. Water dependent industries that require frontage on navigable water should be given priority over tother industrial uses.
2. Port facilities should be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities that would not interfere with port operations or endanger public health and safety.

9. No vibration shall be permitted that is discernible without instruments on any adjoining lot or property.
10. Industrial facilities shall assure that no direct or reflected glare is visible from adjacent properties, streets, or water areas.
11. Industrial facilities shall be so located, designed, and operated to eliminate all unnecessary noxious odors.
12. Port and industrial facilities shall provide public access to shoreline areas when feasible, taking into consideration public safety, health, and security.
13. Waste treatment ponds shall be located as far inland as practicable.
14. Port and industrial facilities shall be located, designed, and constructed to permit viewing of harbor areas or other recognized or officially delineated vistas.

#### 4.309 Forest Management

##### Definition

Those methods used for the protection, production, harvesting, and transporting of timber resources. Processing of timber by industrial or manufacturing means is to be considered under the industrial subsection of this master program.

##### Policies

1. Seeding, mulching, matting, and replanting should be accomplished where necessary to provide stability on areas of steep slope that have been logged.
2. Special attention should be directed in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.
3. Proper road and bridge design, location, and construction and maintenance practices should be used to prevent development of roads and structures that would adversely affect shoreline resources.
4. Timber harvesting practices in shorelines of the state should be conducted to maintain the state board of health standards for public water supplies.
5. Logging should be avoided on shorelines with slopes of such grade that large sediment run-off will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.
6. Assurance should be given that timber harvesting on shorelines of state-wide significance does not exceed the limitations established in R.C.W. 90.58.150, except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.
7. Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of ground vegetation, brush, alder, and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.
8. Known big game grazing areas should be preserved or maintained free of barriers and debris.

## Performance Standards

### Roads and Related Structures

1. Roads and related structures shall be located as follows:
  - a. Whenever possible, roads shall be located on natural benches, ridge tops, or other areas where minimum alterations of natural features such as soils will be least disturbed.
  - b. Roads shall be located as to avoid steep narrow canyons, slide areas, slumps, swamps, marshes, wet meadows, and the like.
  - c. Roads shall be located as to provide buffer areas along stream ways and other shorelines.
  - d. The number of waterway crossings shall be minimized. Unnecessary duplication of roads shall be avoided by making use of existing roads where practicable.
2. Roads and related structures shall be designed as follows:
  - a. Road drainage shall be designed as to control the dispersal of surface run-off from roads and exposed soils in order to minimize turbid water from drainage into waterways.
  - b. Earthwork shall be designed as to provide waste and borrow areas that will produce a minimum of erosion, water turbidity, and aesthetic damage.
  - c. Cut and fill slopes shall be designed at the normal angle of repose or less.
  - d. Cut and fill areas shall be protected from erosion by mulching, seeding, use of headwalls, or other suitable means.
  - e. Roads and waterway crossings shall not be wider than to accommodate the anticipated means.
  - f. Waterway crossings shall be designed so the integrity of the naturally occurring geohydraulic process is maintained.
  - g. Waterway crossings shall be designed as to provide minimal disturbance to banks.
  - h. Culverts and similar devices shall be designed with regard to fifty year storm frequencies.
  - i. Bridges and similar devices shall be designed with regard to one hundred year flood frequencies.
  - j. Roads, bridges, culverts and similar devices shall afford maximum protection for fisheries resources.
3. Roads and related structures shall be constructed as follows:
  - a. Excess material shall be deposited in stable locations and not into streamway corridors where such materials degrade water quality, impede flood waters, or alter naturally occurring geohydraulic processes.
  - b. No machinery shall operate within a stream bed except in compliance with an hydraulics permit issued by the Washington State Department of Fisheries and Washington State Department of Game.
  - c. All material associated with road construction that is potentially unstable or erodable shall be stabilized by compacting, seeding, mulching, or other suitable means.
  - d. All roads and drainage systems shall be maintained as to prevent erosion and/or water quality degradation.
  - e. Excess material accumulated during maintenance of roads and drainage systems shall be deposited in stable locations and not into streamway



- corridors where such materials would degrade water quality, impede flood waters, or alter naturally occurring geohydraulic processes.
- f. Mechanical apparatus, rather than chemicals, shall be used for brush clearing maintenance wherever practicable.
  - g. Herbicides used for maintenance along roads and drainage systems shall follow the applicable performance standards of this master program.

### Forest Products Harvesting

1. Areas unsuited for timber production such as lakes, bogs, swamps, springs, or wet meadows shall be avoided and protected during the harvesting operation.
2. Sufficient buffer strips shall be provided along all streamways to prevent soil erosion and water quality degradation, and to protect the habitat for fish and wildlife.
3. Methods for falling, bucking, and yarding logs shall make all practicable precautions to prevent soil erosion and/or water quality degradation. Logs shall not be yarded through stream beds. Skid trails shall be built and maintained away from stream beds and in such a manner as to prevent soil erosion into waterways.
4. Landings shall be located away from the stream corridor whenever possible. When a landing is located within the stream corridor, it shall be located on stable ground and in a position within the stream corridor as to not degrade water quality, impede possible flood waters, or interrupt naturally occurring geohydraulic processes.
5. If debris should accidentally enter the waterway as a result of harvesting, such debris shall be removed as soon as practicable and in a manner that does not degrade the natural conditions of the streamway.
6. Harvesting shall not take place in areas of archaeological significance until a reasonable opportunity has been afforded for exploration of the site.
7. Where major scenic attractions, historic sites, scenic highways, or recreational sites are impacted by timber harvesting operations, special consideration shall be given to these values by prompt clean-up and reforestation.
8. Waste resulting from logging operations such as machinery, machinery parts, filters, grease, and oil containers, or wire and rope, shall be disposed immediately. At no time shall such materials be disposed in the streamway corridor.
9. Timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance shall only be harvested by selective commercial timber cutting so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time; provided other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental; provided further that clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by R.C.W. 90.58 or this master program may be permitted.

## Reforestation

1. Reforestation shall be accomplished in compliance with the Washington State Forest Practices Act and as soon after the termination of harvesting as is feasible.
2. Reforestation activities shall adhere to all applicable portions of this master program as regard to soil, fisheries, and water quality management.

## Chemical Application

1. Equipment used for transportation, storage, or application of chemicals shall be maintained in leak-proof condition. If there is evidence of chemical leakage, the further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.
2. Whenever water is taken from any waterway or water impoundment for use in the mixing of chemicals, precautions shall be taken to prevent contamination of the water source. A portable pump shall be used with the necessary suction hoses, feed hoses, and check valves to supply water from streams; such pump to be used only for water.
3. Waterways and areas of open water such as streams, swamps, or impoundments shall be protected from contamination when spraying by aircraft by leaving a buffer strip of at least swath-width untreated on each side of every waterway.
4. A buffer strip of at least ten feet on each side of every waterway or area of open water shall be left when applying spray from the ground. Spray application immediately adjacent to buffer strips shall be made parallel to waterways and must be applied prior to application of the remainder of the area to be treated.
5. Application of fertilizers shall assure that no fertilizer is deposited into waterways.
6. Pesticides shall be used, handled, and disposed in accordance with provisions of the Washington Pesticide Act and the Washington Pesticide Application Act unless the provisions of this master program are more stringent, in which case the higher standard shall apply.

## 4.310 Landfills and Dredge Disposals

### Definition

The creation of a dry upland area by depositing material into water or onto shorelines or wetland areas.

### Policies

1. Shoreline fills or cuts should be designed and located so significant damage to existing ecological values or natural resources or alteration of local currents will not occur, creating a hazard to adjacent life, property, and natural resources systems.
2. All perimeters of fills should be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.
3. Fill materials should be of such quality that it will not cause problems of water quality. Shoreline areas are not to be considered for sanitary landfills or for the disposal of solid waste.

4. 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, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

#### Performance Standards

1. Landfill shall only be permitted to serve shoreline dependent uses.
2. Landfill is not permitted in estuaries, tidelands, marshes, ponds, swamps, or similar water retention areas.
3. Landfills are not permitted in flood plains unless it can clearly be demonstrated that the geohydraulics and flood plain storage capacity will not be altered as to increase flood hazard or other damage to life or property.
4. Landfills shall not disrupt streamway geohydraulics that may lead to damage of adjacent properties.
5. Landfills shall not disrupt normal surface-water drainageways.
6. Landfills shall not be deposited as to not sever the normal recharge of ground water supplies and in a manner that does not degrade quantity and quality of ground water.
7. Fill material shall be of a quality and so placed and contained that it does not cause water quality degradation. Junk, garbage, and other potentially hazardous sewage and rubbish is not permitted to be used as fill material. Normally fill material shall be restricted to soil, sand, rock, or gravel.
8. Permitted fills shall be appropriately sloped and planted with vegetation to prevent erosion.

#### 4.311 Marinas

##### Definition

Facilities that provide launching, storage, supplies, moorage, and services for pleasure and commercial watercraft.

##### Policies

1. 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.
2. Marinas should be designed in a manner that will reduce damage to fish and shellfish resources and be aesthetically compatible with adjacent areas.
3. Marinas should be located at or near high use or potentially high use areas. Local as well as regional need data should be considered as input in location selection.
4. 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.
5. Shallow-water embayments with poor flushing action should not be considered for overnight and long term moorage facilities.
6. The Washington State Department of Fisheries' guidelines should be consulted in planning for marinas.

7. State and local health agencies have standards and guidelines for the development of marinas which should be consulted.
8. Floating breakwaters should be considered as a positive alternative to conventional breakwaters.

#### Performance Standards

1. Marinas shall be located with regard to favorable conditions related to wind, current, and bathymetrics.
2. Marinas that provide overnight or long-term moorage facilities shall not be located in areas with poor flushing action.
3. Marinas shall be compatible with the general aesthetic quality of the shoreline area where they are located.
4. Marinas and ancillary facilities shall be located, designed, constructed, and operated as to minimize adverse effects on fish, shellfish, wildlife, water quality, and existing geohydraulic shoreline processes.
5. Marinas shall be located, designed, constructed and operated as to not unnecessarily interfere with the rights of adjacent property owners, nor interfere with adjacent water uses.
6. Parking and loading areas shall be located well away from the immediate water's edge and beaches.
7. Design of parking and loading areas shall assure that surface run-off does not pollute adjacent waters or cause soil or beach erosion.
8. Provisions shall be made as to facilitate orderly launching, retrieval, and storage of boats.
9. Provisions shall be made to facilitate the orderly circulation of vehicles and pedestrians in the vicinity of the marina.
10. Marinas shall make adequate provisions to minimize the probability of fuel spills during handling or storage. Provisions shall be made to handle accidental spills that do occur.
11. Marinas shall provide adequate on-shore sewage and waste disposal facilities. Such facilities shall be adequate to serve transient boaters as well as liveaboard boaters.

#### 4.312 Mining

##### Definition

The removal of naturally occurring rock, sand, gravel, and minerals from the earth.

##### Policies

1. When rock, sand, gravel, and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.
2. Excavations for the production of sand, gravel, and minerals should be done in conformance with the Washington State Surface Mining Act.
3. Jefferson County and the City of Port Townsend should strictly control the removal of sand and gravel from marine beaches.
4. When removal of sand and gravel from marine beaches is permitted, it should be taken from the least sensitive biophysical areas of the beach.

## Performance Standards

1. Mining along all shorelines shall assure that geohydraulic processes and marine life are basically maintained in their natural condition, both during and after excavation.
2. Surface mining for gravel along streamways shall make provisions that assure:
  - a. All equipment, works, and structures are able to withstand flooding without becoming a hazard in themselves or causing adverse effects on shore features or adjacent property, all without the necessity for massive structural defense works; and
  - b. All stockpiles and other structures or equipment that are not flood-proof are located above the one hundred year flood plain during flood season except during daily operations.
3. Overburden shall be disposed in a manner that provides short and long term protection to affected natural features, adjacent properties, and aesthetic values. Overburden deposited within the geographical jurisdiction of this master program shall constitute landfill and shall, therefore, comply with applicable performance standards of this master program.
4. Mining shall provide measures to prevent deleterious effects upon water quality and fishlife.
5. Mining operations shall obtain necessary hydraulic permits from the Washington State Department of Fisheries and Washington State Department of Game.
6. Mining operations shall not cause any unnecessary noise, odor, vibration, or other nuisances that adversely affect nearby properties.
7. Equipment or apparatus associated with mining operations such as machinery, machinery parts, filters, grease and oil containers, and wire and rope shall be disposed immediately to an appropriate upland location.
8. Mining projects shall provide thorough and precise site reclamation plans as part of the permit application. The plans shall be considered an indivisible part of the proposed development and shall be considered in the approval or disapproval of a substantial development permit.

### 4.313 Offshore Moorage Devices

#### Definition

Offshore devices anchored or otherwise attached to the sea bottom used to moor watercraft.

#### Policies

1. Offshore mooring devices should not be authorized where such installations will adversely interfere with navigation.
2. Offshore moorage devices for individual mooring of craft in areas where there are no docking facilities or insufficient docking facilities are preferred over the construction of individual docks or piers.
3. Where sufficient docking facilities exist, the individual placement of mooring bouys will be discouraged.
4. Community offshore moorage devices will be encouraged over private offshore mooring devices.

## Performance Standards

1. Off-shore mooring devices, including the swing path of attached vessels, shall not encroach on adjacent tidelands or subtidal ownerships.
2. Land based retrieval lines from off-shore moorage devices shall be prohibited.
3. Off-shore moorage devices shall not interfere with navigational channels.

### 4.314 Parking Facilities

#### Definition

Areas providing for the storage of motor vehicles, including vista parking facilities.

#### Policies

1. Parking facilities should be designed and placed as far as practicable away from the water's edge.
2. Parking facilities should make provisions for pollution abatement and the control of storm water run-off.
3. Parking facilities should be adequate to serve the level of demand anticipated by the associated use.
4. Parking facilities should not interfere with the use and enjoyment of adjacent properties.

#### Performance Standards

1. Parking facilities shall not be located adjacent to the immediate water's edge if practical alternative upland locations exist.
2. Vista parking facilities shall include a significant public view and provide recreational opportunities such as a picnic table or viewing benches.
3. The design and construction of parking facilities shall assure that surface water run-off will not pollute adjacent waters or cause soil or beach erosion. Oil separators and retention ponds are considered positive measures towards compliance with this standard.
4. Security lighting associated with parking facilities shall be beamed, hooded, or directed as to not cause glare on adjacent properties or water bodies.

### 4.315 Recreational

#### Definition

Facilities such as parks, trails and pathways, campgrounds, and swim rafts which provide means for relaxation, play, or amusement.

#### Policies

1. The concept of off-shoreline camping should be encouraged as to prevent the concentration of clutter and leave the beaches, tidelands, streams, and their associated shorelines in basically their natural state.

2. Private campgrounds should be encouraged in the park industry. Publicly financed and operated facilities should not be entertained as the only alternative to meeting recreational demands.
3. Park design and operation should deal with the impact such activities have, not only within park boundaries but on adjacent properties and communities as well.
4. Recreational facilities should make adequate provisions for:
  - a. Traffic, both inside and outside the facility; and
  - b. Proper water and sewage disposal methods; and
  - c. Law enforcement; and
  - d. Prevention of overflow onto adjacent properties.
5. Public park authorities should establish population limits for each park and should charge fees commensurate with commercial park fees for the combined purposes of providing means for payment of services and to eliminate the abuse that inevitably comes from free services.
6. Encourage a balanced system of public access to public shorelines and surface waters.
7. Off-shore recreational devices should not interfere with navigation of waterways.
8. Trails and pathways on steep shoreline bluffs should be designed to not adversely affect the stability of the bank.
9. Public recreational developments should be consistent with adopted park, recreational, and open space plans of the city and county, when appropriate.
10. Swim rafts used for moorage purposes should comply with the policies and standards for off-shore moorage devices.
11. Stairways and landings should not be located waterward of existing bulkheads, banks or the ordinary high water mark.

#### Performance Standards

1. Trailer spaces, camping sites, and similar facilities shall not be located on beaches and tidelands.
2. Recreational facilities shall make adequate provisions for water supply, sewage disposal, and garbage collection.
3. Recreational facilities shall make adequate provisions for efficient vehicular parking.
4. Recreational facilities shall make adequate provisions for enforcement of laws and regulations associated with use of the facilities being proposed.
5. Recreational facilities shall make adequate provisions such as screening, buffer strips, fences, and signs to prevent park overflow and to protect the value and enjoyment of adjacent or nearby private or public properties.
6. Recreational facilities shall establish and enforce regulations that prohibit tree cutting and limit the taking of marine life, driftwood, and similar souvenirs.
7. Signs associated with recreational facilities shall be kept to a minimum in number and size, and shall be erected as informational or directional aids only.
8. Adequate provisions shall be made for the control of fires both within recreational facilities and between recreational facilities and adjacent private or public lands.
9. Unless specifically designed for that purpose, park and recreational facilities shall prohibit the off-road use of all terrain vehicles in order to protect natural features as well as the enjoyment and value of adjacent private and public properties.

10. Applicants for substantial development permits for recreational facilities may be required to provide adequate information to demonstrate the safety of proposed equipment and facilities.
11. Membership campgrounds shall comply with the *Jefferson County Camper Club Ordinance*.

#### 4.316 Residential

##### Definition

The development of land and/or the construction or erection of dwelling units for the purpose of residential occupancy.

##### Policies

1. Residential developments should be designed at a level of density of site coverage and occupancy compatible with the physical capabilities of the shoreline area, and consistent with the density provisions of local plans, codes, and ordinances.
2. Residential developments should be designed as to adequately protect the water and shoreline aesthetic characteristics.
3. Residential developments should be encouraged to provide pedestrian access to public shorelines abutting the development.
4. Over-water residential development, including floating homes, should not be permitted.
5. Residential developers and individual builders should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.
6. Sewage disposal facilities, as well as water supply facilities, should be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.
7. Adequate water supplies should be available so the ground water quantity and quality will not be endangered by over-pumping.
8. Residential development in geologically hazardous areas or in areas subject to flooding should be discouraged.
9. Residential developments in shorelines areas should be designed to preserve natural drainage courses.
10. Subdivisions should maintain usable waterfront areas for the common use of all property owners within the development.
11. Residential structures should be designed and located as to not significantly block the views of adjacent residences or properties.
12. Sewage disposal drainfields should not be located where subject to flooding.

##### Performance Standards

1. Subdivisions of land shall comply with local plans, codes and ordinances and be designed to exemplify the definition and policy of the applicable shoreline designation as well as the environmental and physical capabilities of the subject site.



2. Public access to publicly owned shorelines shall be maintained.
3. Subdivisions shall assure that surface run-off does not pollute adjacent waters or cause soil or beach erosion, either during or after the construction phase.
4. Subdivisions containing marshes, swamps, lagoons, portions of flood plains, or similar wetlands shall use those areas only for the purpose of parks, open space, or recreational facilities.
5. Subdivisions shall be designed to include measures to prevent overflow usage of common areas upon adjacent, privately owned shorelands and uplands.
6. Amenities provided by subdivisions shall not be detrimental to the geohydraulic processes occurring within the shoreline corridor.
7. Roads, utilities, and other subdivision improvements shall comply with the applicable policies and standards of this master program.
8. Residential structures shall not be located on or over marshes, lagoons, tidelands or water areas subject to this master program.
9. Residential structures shall not be located in areas subject to flooding or tidal inundation unless complete flood proofing measures have been provided, and then only when the location of such structures will not aggravate flooding possibilities of nearby properties.
10. Residential structures shall not locate upon areas of geologic hazard, or areas of ecological sensitivity such as underground aquifers, aquifer recharge areas, or marshes or lagoons.
11. New residential structures shall be established through one of the following methods:
  - a. Where adjacent properties are not developed, the set back distance shall be one which allows for the continuation of natural geohydraulic processes without risk to the structure or its inhabitants.
  - b. Where adjacent properties are developed, the structure, in addition to item one above, shall be set back as parallel as practicable with existing residences or properties.
12. Alteration of topography for building sites, access road(s), and utilities shall be conducted in compliance with the applicable policies and standards of this master program.
13. Sewage disposal systems shall not be located within the flood plain of marine and fresh water bodies.

#### 4.317 Scientific, Educational, Archaeological, and Historical

##### Definition

Those sites, structures, or facilities that provide unique insight into our natural or cultural heritage.

##### Policies

1. Jefferson County and the City of Port Townsend should consult with the Washington State Office of Archaeological and Historic Preservation and professional consultants to review proposed project areas for potentially valuable data, and to establish procedures for salvaging that data.

2. Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archaeological data, special conditions should be attached to substantial development permits to provide for site inspections and an evaluation of an archaeologist to ensure that archaeological data is properly salvaged.
3. Developers should notify Jefferson County or the City of Port Townsend, as the case may be, if any possible archaeological data is uncovered during excavations in the shoreline area.
4. Jefferson County and the City of Port Townsend should work toward lending integrity to the National Historic Preservation Act of 1966 and R.C.W. 43.51 and provide wherever possible for the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American, Washington, or local history, architecture, archaeology, or culture.
5. Excavation of Indian artifacts shall be conducted in compliance with R.C.W. 27.53.
6. Excavation activities shall be conducted in compliance with the applicable policies and standards of this master program.

#### Performance Standards

1. No development, or substantial development, shall be undertaken with regard to a site or structure that has probable historical, scientific, or archaeological significance until an evaluation of the site or structure has been made by an authority judged competent in such matters by Jefferson County or the City of Port Townsend.
2. All feasible means shall be employed to ensure that data, structures, and sites having historical, archaeological, educational, or scientific significance are extracted, preserved, or used in a manner commensurate with their importance.
3. The establishment, restoration, or revitalization of historical, archaeological, scientific, or educational facilities shall be done in such a manner as to cause minimal disturbance to adjacent properties as well as to natural features of the shoreline.

#### 4.318 Shore Defense Works

##### Definition

Structures or modifications for the purpose of retarding shore erosion from wave or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, preventing streambank overflow, and retaining uplands. They may consist of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins, or gabions. Defense works are commonly constructed from quarry rock (i.e. rip-rap), treated wood, concrete, steel, and sand and gravel.

##### Policies

1. Bulkheads and seawalls should be located and constructed in such a manner that will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.

2. Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shellfish habitats. Open piling construction is preferable in lieu of the solid type.
3. The effect of a proposed bulkhead on public access to publicly owned shorelines should be considered.
4. Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.
5. The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead. Landfill operations should satisfy the performance standards related thereto.
6. Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.
7. Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.
8. The restriction of the public use of the water surface as a result of breakwater construction must be recognized and must be considered in granting shoreline permits for their construction.
9. The effect proposed jetties or groins have on sand movement must be considered. Provisions should be made to compensate for the adverse effects of the structures either by artificially transporting sand to the downdrift side of an inlet with jetties, or by artificially feeding the beaches in the case of groins.
10. Special attention should be given to the effect these structures will have on wildlife propagation and movement, and to the effects these structures will have on the aesthetic quality of the shoreline.
11. Rip-rapping and other bank stabilization measures should be located, designed, and constructed as to avoid the need for channelization and to protect the natural character of the streamway.
12. Where flood protection measures such as dikes are planned, they should be placed landward of the streamway, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the stream proper.
13. Flood protection measures that result in channelization should be avoided.

#### Performance Standards

1. Shore defense works shall be designed and constructed in a manner that causes an absolute minimum of interruption to naturally occurring shoreline processes.
2. Shore defense works shall be designed and constructed as to minimize interruption of fish movements as well as marine and wildlife habitats.
3. Shore defense works shall not be used for the indirect purpose of creating landfills, unless such landfill is specifically permitted in compliance with landfill performance standards of this master program.
4. Shore defense works shall not be constructed on spits, hooks, bars, barrier beaches, or similar accretion terminals or accretion shoreforms.
5. Shore defense works shall be designed and constructed to harmonize insofar as practicable with the aesthetic characteristics of the area where they are located.

6. Shore defense works such as dikes shall be located landward of the streamway and associated swamps, backwaters, marshes, and other wetlands directly interrelated and interdependent with the stream proper.
7. Substantial development permit applicants shall provide competent technical evidence that the proposed shore defense structure will perform as designed.

#### 4.319 Transportation Facilities

##### Definition

Passageways for motorized vehicles or trains, including but not limited to such devices as bridges, trestles, ramps, or culverts.

##### Policies

1. Whenever feasible, major highways, freeways, and railroads should be located away from shorelands, except in port and heavy industrial areas, so shoreland roads may be reserved for slow moving recreational or residential traffic.
2. Roads located in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.
3. All debris, overburden, and other waste materials from construction should be disposed in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.
4. Road locations should be planned to fit the topography so minimum alterations of natural conditions will be necessary.
5. Scenic corridors with public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provision should be made for sufficient view points, rest areas, and picnic areas in public shorelines.
6. Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure by-pass routes, especially where main highways paralleling the old highway must carry large traffic volumes at high speed.
7. Since land use and transportation facilities are so highly interrelated, the plans for each should be coordinated.
8. Waterway crossings should be designed and constructed to maintain normal geohydraulic processes, as well as to minimize interruption of flood water flow.
9. Transportation devices should assure the continued and unobstructed movement of sediments.
10. The number of waterway crossings should be minimized.

##### Performance Standards

1. When feasible, major highways and railroads shall be located away from the shoreline.
2. Whenever possible, roads shall be located on natural benches, ridge tops, or other areas where alteration of natural features such as soils, will be minimal.
3. Roads and railroads shall be located as to provide buffer areas along stream ways and other shorelines.

4. Roads shall be located as to avoid steep, narrow canyons, slide areas, stumps, swamps, marshes, wet meadows, and the like.
5. Unnecessary duplication of roads shall be avoided by making use of existing roads where practicable.
6. Road drainage shall be designed as to control the dispersal of surface run-off from roads and exposed soils in order to minimize turbid water from draining into waterways.
7. Earthwork shall be designed as to provide waste and borrow areas that will produce a minimum of erosion, water turbidity, and aesthetic damage.
8. Cut and fill slopes shall be designed at the normal angle of repose or less.
9. Cut and fill areas shall be protected from erosion by mulching, seeding, use of headwalls, or other suitable means.
10. Roads and waterway crossings shall not be wider than to accommodate the anticipated use.
11. Waterway crossings shall be designed so the integrity of the naturally occurring geohydraulic process is maintained.
12. Waterway crossings shall be designed as to provide minimal disturbance to banks.
13. Culverts and similar devices shall be designed with regard to fifty year storm frequencies.
14. Bridges and similar devices shall be designed with regard to one hundred year flood frequencies.
15. Roads, bridges, culverts, and similar devices shall afford maximum protection for fisheries resources.
16. Excess material shall be deposited in stable locations and not into streamway corridors where such materials degrade water quality, impede flood waters, or alter naturally occurring geohydraulic processes.
17. No machinery shall operate within a stream bed except in compliance with an hydraulics permit issued by the Washington State Department of Fisheries and Washington State Department of Game.
18. All material associated with road construction that is potentially unstable or erodible shall be stabilized by compacting, seeding, mulching, or other suitable means.
19. All roads and drainage systems shall be maintained as to prevent erosion and/or water quality degradation.
20. Mechanical apparatus, rather than chemicals, shall be used for brush clearing maintenance wherever practicable.
21. Herbicides used for maintenance along roads and drainage systems shall follow the performance standards outlined under "Chemical Application" of the forest management subsection.
22. Road routes shall make provisions for pedestrian, equestrian, bicycle, and other modes of travel whenever feasible.
23. In compliance with R.C.W. 36.87.130, Jefferson County shall not vacate a county road or part thereof that abuts on a body of salt or fresh water, unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational, or other public purposes, or unless the property is zoned for industrial purposes. Further, such vacation shall not be accomplished for any purpose that is not consistent with this master program, and then only when all appropriate federal, state, and local permits have been issued for the intended use.

24. Transportation devices in floodways shall be designed to minimize flood water diversion or obstruction to flood water flow.

#### 4.320 Utilities

##### Definition

Services or facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like.

##### Policies

1. Whenever utilities must be placed in a shoreline area, the location should be chosen as to not obstruct or destroy scenic views. Wherever feasible, these facilities should be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.
2. To an extent feasible, Jefferson County and City of Port Townsend should incorporate major utility corridors on shorelines into their programs and plans for public access to and along water bodies.
3. Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.
4. Upon completion of installation and maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted with native species, and be provided maintenance care until the newly planted vegetation is established.

##### Performance Standards

1. Utilities shall be installed adjacent to or within existing utility or circulation easements or rights-of-way whenever feasible.
2. Utilities shall be installed underground whenever feasible.
3. Utilities shall be designed and installed to meet future needs when possible.
4. When feasible, utility corridors shall serve multiple uses such as shoreline access or recreational trails or pathways.
5. Utilities installed in the water, beach, or upon tidal areas shall assure that water quality and marine life will not suffer degradation.
6. Installation of utilities shall assure the prevention of siltation or beach erosion.
7. Upon completion of installation or maintenance projects, banks shall be restored to a suitable configuration and stability and shall be replanted with native species and provided with maintenance care until the newly-planted vegetation is established.
8. Utility discharges and outfalls shall be located, designed, constructed, and operated so that degradation to water quality, marine life, and general shoreline ecosystems is kept to an absolute minimum.
9. Both during and after installation, utilities shall assure that geohydraulic shore processes and marine life are basically maintained in their natural condition.
10. Utilities located in flood-prone areas shall be provided adequate flood protection and shall not be installed as to increase flood hazard or other damage to life or property.

11. Flammable or toxic materials shall not be stored in areas subject to flooding.
12. Utilities shall not be installed in areas subject to geologic hazards unless it can clearly be demonstrated that such hazards can be overcome.

#### 4.321 Waste Disposal

##### Definition

Refuse composed of garbage, rubbish, ashes, dead animals, demolition waste, automobile parts, and similar material.

##### Policies

1. Solid waste disposal requirements of this master program should be consistent with the *Jefferson County Solid Waste Management Plan*.
2. Requirements for solid waste disposal should be in compliance with regulations of state and local health agencies, as well as regulations of the Washington State Department of Ecology.

##### Performance Standards

1. Solid waste disposal and handling shall conform to the *Jefferson County Solid Waste Management Plan* and all supportive state and local regulations.
2. Open dumping of solid wastes in areas subject to this master program is not permitted.
3. Storage, collection, and handling of solid waste associated with any shoreline use or development shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air or water pollution. All garbage shall be stored in fly-tight, rodent-proof, leak-proof containers.
4. Solid waste shall not be stored in areas subject to flooding, unless it can clearly be demonstrated that complete and effective flood proofing can be accomplished.
5. Liquid wastes shall be disposed in compliance with standards of local, state, regional, and federal pollution control authorities.

#### **4.40 Unclassified**

##### Definition

Those developments that do not reasonably fall within any of the previously delineated classes, as determined by the Jefferson County Planning Department. The city administrator shall be consulted in making this determination for those proposed developments to be located within the incorporated area of the City of Port Townsend. Unclassified proposed developments shall be reviewed as secondary uses.

##### Performance Standards

Specific conditions attached to the granting of any permit for an unclassified development shall be considered the performance standard(s) for that particular substantial development.

## 4.50 Shorelines of Statewide Significance

### Definition

Shorelines of the state with respect to Jefferson County and the City of Port Townsend as identified as follows:

1. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark, including associated wetlands; and
2. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide, which are Hood Canal from Tala Point to Foulweather Bluff south to the Mason-Jefferson County line, including associated wetlands; and
3. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide; and
4. Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at one thousand cubic feet per second or more. In Jefferson County these rivers are the Clearwater River, Hoh River, and Quinault River.

### Policies

1. Recognize and protect the state-wide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long term over short term benefit.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shorelines.
6. Increase recreational opportunities for the public in the shoreline.
7. Provide for any other element as defined in R.C.W. 90.58.100 deemed appropriate or necessary.

### Performance Standards

1. All proposed developments within shorelines of state-wide significance shall comply with previously delineated performance standards that are appropriate.
2. Forest management development and activities situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance shall only employ selective timber cutting so no more than thirty percent of the merchantable trees may be harvested in any ten year period of time; provided, other timber harvesting may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective timber cutting ecologically detrimental; provided further, clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by the Shoreline Management Act and this master program may be permitted.



## SECTION 5

### NON-WATER DEPENDENT USES OR STRUCTURES

#### Subsections

- 5.10 Purpose
- 5.20 Continuation of Non-Water Dependent Uses or Structures
- 5.30 Reconstruction

#### **5.10 Purpose**

The purpose of this section is to implement the restoration goal of this master program and to establish regulations for the review and eventual elimination of existing shoreline uses and structures that: (a) are within conservancy or natural shoreline designations, (b) are other than water dependent, (c) existed lawfully prior to the enactment of the Washington State Shoreline Management Act, and (d) do not conform with the policies and standards of this master program.

#### **5.20 Continuation**

The non-water dependent uses or structures on shorelines subject to this section may be continued; provided:

1. It is not enlarged, increased, or extended to occupy a greater area than was occupied on the date of adoption of this amended master program.
2. It is not moved in whole or in part to any other portion of the lot, parcel, or shoreline jurisdiction area subject to this section.
3. The use does not cease for more than two years. The resumption of such a use after the two year period may be allowed as a conditional use, subject to this master program and its permit requirements.

#### **5.30 Reconstruction**

The structure may be reconstructed, restored, or repaired, provided it is not damaged beyond fifty (50) percent of the existing appraised value. Structures damaged beyond fifty (50) percent shall be subject to this master program and its permit requirements prior to any reconstruction.

## SECTION 6

### ADMINISTRATION

- 6.10 General
- 6.20 Shoreline Management Advisory Commission
- 6.30 County Planning Department
- 6.40 City Administrator
- 6.50 Board of County Commissioners and City Council
- 6.60 Application

#### **6.10 General**

There is hereby established by this master program an administrative system designed to assign responsibilities for substantial development permit review, to prescribe an orderly process by which to review all permit applications, and generally to ensure that all persons coming within the jurisdiction of this master program are treated in a fair and equitable manner.

#### **6.20 Advisory Commission**

There is hereby created by this master program the Jefferson-Port Townsend Shoreline Management Advisory Commission whose composition and appointments are as follows: The commission shall be comprised of two members from the City of Port Townsend and eight members from the unincorporated area of Jefferson County. One of the eight members from the unincorporated area of the county shall be representative of the West End area. This member shall act only on applications where development would result in the West End area and on matters of policy.

Members shall be appointed by the city council or board of county commissioners with respect to the jurisdiction they would represent. Insofar as possible, appointments shall assure that members represent: (a) a variation of geographic communities, and (b) a variation of occupations and/or interests.

Terms of members shall be staggered to ensure continuity of knowledge, responsibility, and effectiveness. Each term shall be three years. No member shall serve more than two consecutive terms; unless the appropriate jurisdictional authority takes exception due to a member's inherent qualities which will assure a continued expertise to the commission; or unless a member is representative of the West End area.

Vacancies shall be filled by appointments of length necessary to complete an unexpired term. The member filling the unexpired term shall not consider that term as the first term of membership; the first three year term shall be considered the first term.

The responsibilities and duties of the commission are those hereafter outlined:

1. Establish and maintain by-laws by which to conduct meetings and public hearings and to use as a parliamentary guide in making decisions.
2. Review all proper and complete substantial development permit applications for secondary and conditional uses within the scope of this master program.
3. Review any and all information, testimony, or correspondence from interested persons, groups, or agencies with respect to substantial development permit applications for secondary or conditional uses.
4. Conduct public hearings associated with "b" and "c" above.
5. Make findings and evaluations, and thereafter formulate and transmit recommendations to the city council or board of county commissioners with respect to their separate jurisdictions, that permits for secondary and conditional uses be granted or denied with respect to compliance with the Shoreline Management Act and this master program.
5. Condition any permits recommended for approval associated with "e" above in order to prevent undesirable effects of the proposed area, as well as bringing about conformance with the goals, policies, and standards of this master program.
6. Develop and/or review any proposed adjustments to this master program and make recommendations relative thereto to the board of county commissioners and city council.

### 6.30 County Planning Department

The Jefferson County Planning Department is hereby vested with general overall administration of the Shoreline Management Act of 1971 and this master program with respect to Jefferson County and City of Port Townsend.

The responsibilities and duties of the planning department include those hereafter outlined:

1. Prepare and use such forms as it deems essential for administrative purposes. Such forms shall be consistent with W.A.C. 173-14-110.
2. Advise and assist applicants for substantial development permits of administrative requirements and review criteria of the Shoreline Management Act and this master program.
3. Insofar as possible, ensure that all substantial development permit applications are proper and complete prior to review.
4. Ensure that all administrative requirements as designated by the Shoreline Management Act and this master program are accomplished in processing shoreline substantial development permit applications.
5. Insofar as possible, ensure that all foreseeable and pertinent data, correspondence, and testimony regarding permit applications has been considered and is in order prior to review.
6. Present permit applications for secondary and conditional uses, together with any findings and recommendations to the shoreline management advisory commission.
7. Present permit application, together with findings, evaluations, and recommendations, to the board of county commissioners.
8. Review all proper and complete substantial development permit applications for primary uses proposed in the unincorporated area of Jefferson County.

9. Review any and all information, testimony, or correspondence from interested persons, groups, or agencies with respect to substantial development permit applications for primary uses proposed in the unincorporated area of Jefferson County.
10. Make findings and evaluations, and thereafter formulate and transmit recommendations to the board of county commissioners that permits be granted or denied for primary uses, with respect to compliance with the Shoreline Management Act and this master program.
11. Condition any permit recommended for approval associated with "j" above in order to prevent undesirable effects of the proposed use, as well as bringing about conformance with the goals, policies, and/or standards of this master program.
12. Provide technical and administrative assistance to the Shoreline commission, board of county commissioners, and city council relative to the Shoreline Management Act and this master program.
13. Act as the primary liason between local and state agencies in the administration of the Shoreline Management Act and this master program.
14. Make administrative decisions and interpretations regarding the Shoreline Management Act and this master program.
15. Seek remedies for either violations of the Shoreline Management Act or this master program, or for noncompliance with conditions of any approved substantial development permit issued by Jefferson County or the City of Port Townsend.
16. Assist in the development and processing of any proposed adjustments of this master program.
17. Insofar as possible, ensure that all foreseeable pertinent data, correspondence, testimony, and recommendations on proposed adjustments to this master program are considered and are in order prior to review.
18. Present proposed adjustments to this master program, together with findings and recommendations, to the board of county commissioners and city council.
19. Undertake measures to inform the citizens of Jefferson County and the City of Port Townsend of the philosophy, purposes, goals, requirements, implications, and technical considerations associated with the Shoreline Management Act and this master program.

#### **6.40 City Administrator**

There shall be an administrator appointed by the Mayor of the City of Port Townsend.

The responsibilities and duties of the city administrator shall include those hereafter outlined:

1. Advise citizens and applicants of substantial development permits of administrative requirements of the Shoreline Manegement Act and this master program.
2. Present permit applications, together with findings, evaluations, and recommendations, to the city council.
3. Review all proper and complete substantial development permit applications for primary uses proposed within the corporate limits of the City of Port Townsend.
4. Review any and all data, testimony, or correspondence from interested per-

- sons, groups, or agencies with respect to substantial development permit applications for primary uses proposed within the corporate limits of the City of Port Townsend.
5. Make findings and evaluations and thereafter formulate and transmit recommendations to the City Council that permits be granted or denied for primary uses, with respect to compliance with the Shoreline Management Act and this master program.
  6. Condition any permit recommended for approval associated with "e" above in order to prevent undesirable effects of the proposed use, as well as bringing about conformance with the goals, policies, and/or standards of this master program.
  7. Provide technical and administrative assistance to the shoreline commission and City Council relative to the Shoreline Management Act and this master program.
  8. Make administrative decisions and interpretations regarding the Shoreline Management Act and this master program.
  9. Seek remedies for either violations of the Shoreline Management Act or this master program or for noncompliance with conditions of any approved substantial development permit issued by the City of Port Townsend.
  10. Assist in the development and processing of any proposed adjustments of this master program.

#### **6.50 County Commissioners and City Council**

The Jefferson County Board of Commissioners and the Port Townsend Council, with respect to their separate jurisdictions, are the sole local authorities empowered to grant or deny a substantial development permit.

The responsibilities and duties of the board of county commissioners and City Council with respect to this master program include those hereafter outlined:

1. Consider, through public hearings or other means all pertinent data, testimony, correspondence, findings, evaluations, recommendations, and conditions related to any application for substantial development permit.
2. Accept or reject any recommendation and/or condition(s), or portion thereof, or develop additional or new condition(s), and thereupon take action to grant or deny applications for permits with respect to compliance with the Shoreline Management Act and this master program.
3. Seek remedies for either violations of the Shoreline Management Act and this master program, or for noncompliance with conditions for any approved permit issued by Jefferson County or City of Port Townsend.
4. Act as an appeals board to adjudicate grievances brought forth by a person regarding administrative decisions or interpretations associated with the Shoreline Management Act or this master program.
5. Consider through public hearings all pertinent data, testimony, correspondence, findings, and recommendations related to any proposed adjustments to this master program.
6. Accept or reject any recommendation, or portion thereof, and thereupon take action to adopt or not adopt any proposed adjustments to this master program.

## 6.60 Application

Any person(s) who wishes to conduct substantial development within the geographic jurisdiction of this master program shall apply to Jefferson County or the City of Port Townsend through the Jefferson County Planning Department for a shoreline management substantial development permit.

### 6.601 Procedure

The following procedure shall be applied to the processing of shoreline management substantial development permit applications in order to assure that review of an application is expedient and equitable:

1. An applicant must submit a proper and complete application in accordance with W.A.C. 173-14-050 to the planning department on forms so designated.
2. An applicant must submit a proper and complete environmental assessment, or, if appropriate, environmental impact statement, in accordance with W.A.C. 197-10 to the planning department on forms, or in a format, so designated.
3. Application fees must be paid in accordance with Subsection 6.602 of this master program to the planning department.
4. In carrying out their duties and responsibilities described under Subsections 6.30 or 6.40 of this master program, the planning department or city administrator, upon accepting an application may require inspections of the subject site and/or additional information or studies it deems necessary.
5. Upon submitting an application, the applicant must remain in reasonable contact with the planning department or city administrator, assisting in site inspections and/or providing additional information or studies pursuant to item four above.
6. Public notice of the application shall be made in accordance with Subsection 6.603 of this master program by the planning department.
7. Any local, state, or federal agency that may have interest in the proposed project shall be notified by the planning department for any comments that agency or department may have.
8. After all pertinent data and input has been accumulated, a public hearing shall be scheduled for any secondary or conditional use applications, or for any variance requests, or, in the case of primary use applications, may be scheduled. Public notice of public hearing shall be made in accordance with Subsection 6.603 of this master program.
9. Public hearings shall be conducted in accordance with Subsection 6.604 of this master program.
10. The shoreline management advisory commission shall review secondary and conditional use applications as outlined under Subsection 6.602 of this master program, and the planning department or city administrator shall review primary use applications as outlined under Subsections 6.30 and 6.40 of this master program.
11. The board of county commissioners and city council, with respect to their separate jurisdictions, shall act on applications as outlined under Subsection 6.50 of this master program. The board of county commissioners or city council may refer an application back to the shoreline commission, planning department, or city administrator for further review.
12. The planning department shall transmit within eight (8) days final action taken on an application to the applicant, Washington State Department of Ecology, Washington State Attorney General, and any person who has requested such.

13. A person who is aggrieved by action taken on an application may appeal the decision in compliance with Section 8 of this master program.
14. A recipient of a shoreline management substantial development permit from Jefferson County or the City of Port Townsend shall not commence development or construction until thirty (30) days from the date of permit approval for primary use permits, thirty (30) days from the date of filing with the Washington State Department of Ecology for secondary and conditional use permits, or until all appeal proceedings have terminated.
15. Any development, construction, or activity conducted pursuant to a substantial development permit issued by Jefferson County or the City of Port Townsend shall be completed within any time limits for completion that are imposed as a condition of permit approval, or that which are outlined under Subsection 6.607 of this master program.

#### 6.602 Fees

Application fees for shoreline substantial development permits are to be determined in the following manner: Primary use application fees are \$100.00 each, secondary use application fees are \$150.00 each, and conditional use application fees are \$175.00 each. In addition to the application fee, any variance requested from the standards of this master program shall be \$25.00.

#### 6.603 Public Notice

- Notice of an application and its public hearing shall be made as follows:
1. The planning department shall publish legal notices at least once a week, on the same day of the week, for two consecutive weeks, in a newspaper of general circulation within the county or city. Such notice shall be in accordance with the format prescribed by W.A.C. 173-14-070. An affidavit of publication shall be transmitted to the planning department by the newspaper.
  2. The applicant shall post three public notices of application in separate and conspicuous locations on or reasonably near the site of the proposed development. Such notices shall be posted within one week of the first date of newspaper publication notice and shall be removed only after thirty (30) days from the last newspaper publication date has commenced. Such notices shall be supplied to the applicant by the planning department and shall be in a format prescribed by W.A.C. 173-14-070. An affidavit of posting, also supplied by the planning department, shall be submitted to the department by the applicant.
  3. The planning department shall notify all adjacent property owners to the subject development site of the application within one week of the first date of newspaper publication notice in a format prescribed by the department.
  4. The planning department shall publish at least one legal notice of a scheduled public hearing, or continued public hearing, of an application at least ten (10) days prior to the public hearing, but not less than twenty (20) days from the last publication date of the public notice of application, in a newspaper of general circulation within the county. The planning department shall also publish at least one notice of a cancelled public hearing of an application prior to the scheduled public hearing in a newspaper of general circulation within the county. Affidavits of any publication of a public hearing or continued public hearing shall be transmitted to the planning department by the newspaper.
  5. The planning department may also require or give additional notice of an application or public hearing as it deems advisable.

#### 6.604 Public Hearing

Public hearings for shoreline management substantial development permit applications shall be conducted in the following manner:

1. A public hearing may be conducted on proposed primary uses at the discretion of the board of county commissioners or city council, with respect to their separate jurisdictions.
2. A public hearing shall be conducted on proposed secondary and conditional uses by the shoreline commission.
3. Additional public hearings on secondary or conditional uses may be conducted by the board of county commissioners or city council at their discretion. In no event shall any additional public hearing be conducted until a recommendation on the permit in question has been received from the shoreline commission.
4. An accurate and precise record of all public hearings shall be kept and shall be available for public inspection.
5. Notice of public hearings shall be made in accordance with Subsection 6.60 of this master program.

#### 6.605 Bonds

To guarantee that conditions imposed in conjunction with permit approval are completed, the board of county commissioners or city council, with respect to their separate jurisdictions, may require the applicant to post a performance bond in an amount satisfactory to the board or council.

Any such bond shall be from a reputable bonding company in a form acceptable to the Jefferson County Prosecuting Attorney for Port Townsend.

#### 6.606 Revisions

When Jefferson County or City of Port Townsend receives application to revise a substantial development permit previously granted, the procedure hereafter outlined shall be followed:

1. The Jefferson County Planning Department or the City Administrator for Port Townsend, with respect to their separate jurisdictions, shall first determine if the desired modifications are within the scope and intent of the original permit, as determined under the criteria set forth in W.A.C. 173-14-074(2).
2. If the modifications are determined as being within the scope and intent of the original permit pursuant to W.A.C. 173-14-064(2), a new and complete application shall be processed in compliance with Section 6 of this master program.
3. If the proposed modifications are determined not to be within the scope and intent of the original permit pursuant to W.A.C. 173-14-064(2), the local legislative authority shall review and thereafter approve or deny the request for permit revision. Approved permit revisions shall be processed in accordance with W.A.C. 173-14-064(4).

#### 6.607 Expiration

Criteria for determining when a substantial development permit expires is as follows:

1. Construction or substantial progress toward construction of a project for which a shoreline permit has been granted pursuant to this section must be undertaken within two (2) years after permit approval or the permit shall



expire. If such progress has not been made, a new shoreline permit application will be required.

2. If a project for which a shoreline permit has been granted has not been completed within five (5) years after permit approval, Jefferson County or the City of Port Townsend shall at the expiration of the five year period review the permit and upon a showing of good cause either extend the permit for one year or terminate the permit; provided no shoreline permit shall be extended unless the applicant has requested such review and extension to the expiration date.
3. Jefferson County or City of Port Townsend may issue permits with a fixed termination date of less than five (5) years, and construction implementation date of less than two (2) years.

## SECTION 7

### VARIANCES

#### Subsections

- 7.10 General Variances
- 7.20 Administrative Variances

#### **7.10 General Variances**

Variances from policies, performance standards, procedures, or other matters contained herein may be permitted where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the purpose and goals set forth in Section 1 of this master program.

##### 7.101 Application

A variance request shall be submitted in writing to the Jefferson County Planning Department and shall be considered an integral part of the permit application. Such request shall include the variance requested and shall contain a statement of the applicant's justification based on the applicable review criteria and/or findings under Subsection 8.103 below.

##### 7.102 Public Hearing

The Jefferson-Port Townsend Shoreline Management Advisory Commission shall conduct a public hearing on general variance requests, of which notice shall be made in accordance with requirements set forth in R.C.W. 90.58.

##### 7.103 Review Criteria and/or Findings

In reviewing a variance application, the Jefferson County Board of Commissioners or Port Townsend City Council shall make the applicable following findings:

1. Variance applications for development subject to Section 5 of this master program ("Non-Water Dependent Uses or Structure") may be authorized provided the applicant can demonstrate items seven through nine below.
2. Variance applications for developments that will be located landward of the ordinary high water mark and not within areas defined herein as marshes, bogs, or swamps, may be authorized provided the applicant can demonstrate items four through nine below. In addition, the applicant must demonstrate that the strict application of the policies, procedures, or performance standards set forth in this master program precludes or significantly interferes with a reasonable permitted use of the property.
3. Variance applications for developments that will be located either waterward of the ordinary high water mark or within marshes, bogs, or swamps, as

defined in this master program, may be authorized provided the applicant can demonstrate items four through nine below. In addition, the applicant must demonstrate that: (a) the strict application of the policies, procedures, or performance standards set forth in this master program precludes a reasonable permitted use of the property; and (b) the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

4. The hardship, as described in either item two or three above, is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this master program and not, for example, from deed restrictions or the applicant's own actions.
5. The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
6. The variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.
7. The public interest will suffer no substantial detrimental effect.
8. The variance will be in harmony with the general purpose and intent of this master program.
9. In the granting of all variance applications, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the purpose, goals, and policies of this master program and should not produce substantial adverse effects to the shoreline environment.

#### 7.104 Approval

In order to comply with R.C.W. 90.58.140(12), any requests for variances, except administrative variances, shall be submitted to and action taken by the Washington State Department of Ecology subsequent to issuance of related substantial development permits by Jefferson County or the City of Port Townsend.

The Washington State Department of Ecology shall render and transmit to Jefferson County or the City of Port Townsend and the applicant its final decision approving, approving conditions, or disapproving the permit within thirty (30) days of the date of filing with the Washington State Department of Ecology by Jefferson County or the City of Port Townsend pursuant to W.A.C. 173-14-130.

#### **7.20 Administrative Variances**

Variances from the administrative procedures portions of this master program may be granted by the Jefferson County Board of Commissioners or Port Townsend City Council upon recommendation of the Jefferson County Planning Department or City of Port Townsend Administrator, when the board or council is assured the variance is in keeping with the general intent of this master program and the act, and in doing so may require their own conditions, which in their judgement will secure substantially the administrative procedures or requirements so varied.

## SECTION 8

### LEGAL PROVISIONS

#### **Subsections**

- 8.10 Violations and Penalties
- 8.20 Appeals
- 8.30 Servability
- 8.40 Effective Date
- 8.50 Adoption

#### **8.10 Violations and Penalties**

##### 8.101 Court Actions

The Washington State Attorney General, or the attorney for Jefferson County or the City of Port Townsend, shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the state in conflict with the provisions of the Shoreline Management Act or this master program, and to otherwise enhance the provisions of each.

##### 8.102 General Penalty

In addition to incurring civil liability under R.C.W. 90.58.210 and Subsection 8.101 above, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this section or any of the master programs, rules or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment; provided the fine for the this and all subsequent violations in any five (5) year period shall not be less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000).

##### 8.103 Violator's Liability for Damages

Any person subject to R.C.W. 90.58 or this master program who violates any provision of the act or master program 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 attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. 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 a reasonable time at the expense of the viola-

tor. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

#### 8.104 Violation of Permit Conditions

Any substantial development permit may, after a hearing with notice to the permittee and the public, be rescinded by Jefferson County or the City of Port Townsend upon the finding that a permittee has not complied with the conditions imposed with the permit.

In the event the Washington State Department of Ecology is of the opinion that such non-compliance continues to exist, the department shall provide written notice to Jefferson County or the City of Port Townsend and the permittee. If the county or city takes no action to conduct a hearing within thirty (30) days of the written notice, the department may then petition the Washington State Shorelines Hearings Board for a rescission of such permit within fifteen (15) days of the termination of the thirty day notice to the county or city. Notice of such petition shall be made to the county and city and the permittee.

### **8.20 Appeals**

#### 8.201 Administrative Appeals

Any person who considers their self aggrieved by an administrative decision or interpretation associated with the R.C.W. 90.58 or this master program shall, without delay, appeal in person to the Jefferson County Board of Commissioners or Port Townsend City Council with respect to their separate jurisdictions for adjudication of the grievance.

The Jefferson County Board of Commissioners or Port Townsend City Council shall not make decisions regarding administrative appeals without benefit of counsel from the Jefferson County Prosecuting Attorney or the City of Port Townsend Attorney.

#### 8.202 Substantial Development Permit Appeals

Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to R.C.W. 90.58 as now or hereafter amended, may seek review from the Washington State Shorelines Hearings Board by filing a request for the same within thirty (30) days of receipt of the final order. Concurrently, with the filing of any request for review with the Washington State Shorelines Hearings Board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of this request with the Washington State Department of Ecology and the Washington State Attorney General. If it appears to the department or attorney general that the requestor has valid reason(s) to seek review, either the department or the attorney general may certify the request within thirty (30) days after its receipt to the shorelines hearings board following which the board shall then but not otherwise review the matter covered by the requestor; provided the failure to obtain such certification shall not preclude the requestor from obtaining a review in the Washington State Superior Court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and ensure

that the provisions of R.C.W. 90.58 are complied with at any time within thirty (30) days from the date of the filing of the copies of the requestor.

The department or attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit, issued by a local government by filing a written request with the Washington State Shoreline Appeals Board and the appropriate local government within thirty (30) days from the date the final order was filed, as provided under R.C.W. 90.58.140(5).

In any review of the granting or denial of an application for a permit, the person requesting the review shall have the burden of proving that the proposed substantial development is inconsistent with the criteria which must be met before a permit is granted.

### **8.30 Servability**

If any chapter, section, subsection, or other portion of this master program is held invalid by a court of competent jurisdiction or any review authority provided by R.C.W. 90.58, such holding shall not affect the validity of the remaining portions of this master program unless so specified.

### **8.40 Effective Date**

This master program, as amended, is effective this 1981, upon adoption by the Washington State Department of Ecology as provided under R.C.W. 90.58.090.

### **8.50 Adoption**

This master program, as amended, is hereby approved by the Jefferson-Port Townsend Shoreline Management Advisory Commission this 1981.

JEFFERSON-PORT TOWNSEND SHORELINE  
MANAGEMENT ADVISORY COMMISSION

---

J. Edward Richey, Chairman

This master program, as amended, is hereby approved by the City of Port Townsend Mayor and Council this

CITY OF PORT TOWNSEND

---

The Honorable Barney McClure, Mayor

This master program, as amended, is hereby approved by the Jefferson  
County Board of Commissioners this

JEFFERSON COUNTY BOARD OF COMMISSIONERS

---

B.G. Brown, Chairman

## SECTION 9

### REVISIONS

#### Subsections

- 9.10 Master Program Revisions
- 9.20 Substantial Development Permit Revisions

#### 9.10 Revisions

In order to comply with R.C.W. 90.58.190, Jefferson County and the City of Port Townsend shall periodically review this master program and make such adjustments that are desirable or necessary.

The Jefferson County Board of Commissioners or Port Townsend City Council may initiate or undertake an amendment to this program according to the procedures prescribed under R.C.W. 36.70 for amendments to a comprehensive plan. Any such amendments shall be reviewed by the Jefferson-Port Townsend Shoreline Management Advisory Commission.

Any such revisions or adjustments shall be submitted to the Washington State Department of Ecology only after completion of at least one public hearing in accordance with the requirements set forth under W.A.C. 173-19-062, and upon favorable recommendation by the Jefferson County Board of Commissioners and Port Townsend City Council. No such revision or adjustment shall become effective until it has been approved by the Washington State Department of Ecology.

#### 9.20 Permit Revisions

Once a substantial development permit is granted, any revision to the permit shall be done only by Jefferson County or the City of Port Townsend, and then only in compliance with Subsection 6.606 of this master program.