

1 Chapter 8
2 **Specific Use Policies and**
3 **Development Regulations**

4
5 **SECTIONS:**

- 6 **8.1 Introduction**
7 **8.2 Advertising and Signs**
8 **8.3 Agriculture**
9 **8.4 Aquaculture**
10 **8.5 Boat Launches**
11 **8.6 Commercial Development**
12 **8.7 Industrial and Port Facilities**
13 **8.8 Marinas**
14 **8.9 Mining**
15 **8.10 Mooring Buoys**
16 **8.11 Parking Facilities**
17 **8.12 Recreational Facilities**
18 **8.13 Residential Development**
19 **8.14 Scientific, Cultural and Education Facilities**
20 **8.15 Transportation Facilities**
21 **8.16 Utilities**

22
23 **8.1 Introduction**

24 Development and use proposals may involve a number of *uses* and
25 shoreline *modifications* and must comply with the policies and regulations
26 for each. For example, uses associated with a new marina may include
27 boat launches, industrial and port facilities, parking facilities, and
28 recreational facilities. Construction of a marina may involve numerous
29 shoreline modifications, including dredging, dredge spoil disposal, a jetty,
30 and perhaps landfill. Each project is reviewed for compliance with the
31 applicable “*use*” policies and regulations in this Chapter and with the
32 applicable “*modification*” policies and regulations in Chapter 9.

33 All shoreline developments and uses must comply with the policies and
34 standards of this Master Program whether or not a shoreline substantial

Draft 5 – Clean Copy 12-21--05

1 development permit is required. Specific conditions that ensure such
2 compliance may be attached as a condition of permit approval.

3 Shoreline uses specifically listed as “prohibited” shall not be eligible for
4 consideration as a shoreline variance or shoreline conditional use permit.
5 However, if the use is permitted, deviations from the minimum
6 performance standards may be approved under a shoreline variance unless
7 specifically stated otherwise.

8 The performance standards contained herein augment standards
9 established through other land development regulations. Where conflict
10 arises between these and other applicable controls, the regulations that
11 provide more protection to the shoreline area shall apply.

12 This chapter provides specific policies and regulations for the following
13 types of specific uses. Refer to Chapter 9 for shoreline modifications:

- 14 a. Advertising and Signs
- 15 b. Agriculture
- 16 c. Aquaculture
- 17 d. Boat Launches
- 18 e. Commercial Development
- 19 f. Industrial and Port Facilities
- 20 g. Marinas
- 21 h. Mining
- 22 i. Mooring Buoys
- 23 j. Parking Facilities
- 24 k. Recreational Facilities
- 25 l. Residential Development
- 26 m. Scientific, Cultural and Education Facilities
- 27 n. Transportation Facilities
- 28 o. Utilities

29
30 Uses not classified (i.e., “unclassified uses”) under this master program
31 shall be processed as conditional uses.

Draft 5 – Clean Copy 12-21--05

1 **8.2 Advertising and Signs**

2 Outdoor advertising and signs include publicly displayed messages on
3 signs, billboards, placards, or buildings that direct attention to
4 promotion of a business, service, or product, or for public notice,
5 transportation, or direction.

6 Outdoor advertising is regulated by the Port Townsend sign code (e.g.,
7 billboards and off-premise signs, except for sandwich boards in the
8 downtown Historic district, are prohibited everywhere in the City.
9 Also prohibited are flashing, rooftop and moving signs).

10
11 ***Policies***

12 **Policy 8.2.1** Ensure that signage within the shoreline jurisdiction complies with
13 the City’s Sign regulations codified in Chapter 17 of the Port
14 Townsend Municipal Code.

15 **Policy 8.2.2** Ensure that signs are compatible with the shoreline environment
16 and adjacent land and water uses through appropriate design and
17 placement.

18 **Policy 8.2.3** Avoid degradation of vistas and viewpoints and ensure visual
19 access to the water from such vistas by appropriately locating
20 signs.

21 ***Development Regulations***

22 **DR-8.2.1** Outdoor advertising and signs shall be in conformance with the
23 City of Port Townsend sign regulations codified in Chapter 17 of
24 the Port Townsend Municipal Code.

25 **DR-8.2.2** Delineated vistas (Appendix B) or viewpoints shall be kept free of
26 signs.

27 **DR-8.2.3** Signs directed toward the water shall be limited to:

- 28 a. Directional signage associated with a marina, and
29 b. Signage on buildings with a waterside entrance. .

30 **DR-8.2.4** Over-water signs or signs on floats or pilings (signs in all areas
31 below OHWM) shall be limited to those that are a necessary part
32 of approved in-water or over-water uses and shall generally be
33 limited to signs for navigation, safety, identification, or public
34 information.

Draft 5 – Clean Copy 12-21--05

- 1 **DR-8.2.5** Artificial lighting for signs shall be directed or beamed away from
- 2 the water, public streets, or adjacent premises so as to not cause
- 3 glare reflection that may constitute a traffic or boating hazard or
- 4 nuisance.

- 5 **DR-8.2.6** Flashing and blinking signs are not permitted on the shoreline area.
- 6 No sign or part thereof shall consist of banners, posters, streamers,
- 7 spinners, or other similar moving devices.

- 8 **DR-8.2.7** No signs shall be constructed or operated in a manner that obscures
- 9 or detracts from the effectiveness of navigational aids.

10 **8.3 Agriculture**

11 Agriculture includes the cultivation of soil, production of crops, or the

12 raising of livestock. In Port Townsend, limited agricultural activities may

13 (and do) occur within some residential zones, but more intense agricultural

14 uses are not allowed by the City’s development regulations and are not

15 present in the shoreline area. Construction and practices normal for an

16 existing ongoing agricultural use are exempt under the Shoreline

17 Management Act.

18 ***Policies***

- 19 **Policy 8.3.1** Limit agriculture uses to those allowed in the Shoreline Residential
- 20 environment consistent with the underlying zoning. Agriculture
- 21 uses shall be prohibited from all other environments.

- 22 **Policy 8.3.2** Require buffer zones of permanent vegetation between tilled areas
- 23 and associated water bodies in order to retard surface runoff,
- 24 reduce siltation, and promote valuable shade for fish habitats.

25 ***Development Regulations***

- 26 **DR-8.3.1** Agriculture uses shall only be permitted in the Shoreline
- 27 Residential environment and shall be limited to those agricultural
- 28 uses permitted by the underlying residential zoning Agriculture
- 29 uses are prohibited from all other shoreline environments.

- 30 **DR-8.3.2** An agricultural activity waterward of the ordinary high water mark
- 31 is prohibited.

- 32
- 33 **DR-8.3.3** Shoreline waters shall not be used for livestock watering.

Draft 5 – Clean Copy 12-21--05

- 1 **DR-8.3.4** A buffer of permanent native vegetation shall be established and
2 maintained between areas used for cultivation or intensive grazing
3 and adjacent water bodies and wetlands. The plant composition
4 and width of the buffer shall be based on the site conditions,
5 including type of vegetation, soil types, drainage patterns, and
6 slope. The buffer shall, however, not be less than one hundred
7 (100) feet wide as measured landward and perpendicular to the
8 ordinary high water mark. The buffer shall be of sufficient width
9 and vegetation shall be sufficiently enhanced to retard runoff,
10 reduce sedimentation, and provide riparian habitat. Buffers shall
11 include fencing to prevent encroachment.
- 12 **DR-8.3.5** Erosion control measures shall conform to guidelines and
13 standards established by the U.S. Soil Conservation Service and
14 the U.S. Department of Agriculture.
- 15 **DR-8.3.6** Pesticides shall be used, handled, and disposed in accordance with
16 provisions of the Washington State Pesticide Application Act
17 (RCW 17.21) and the Washington State Pesticide Act (RCW
18 15.57) to prevent contamination and sanitation problems.
- 19 **DR-8.3.7** Livestock waste shall be disposed in a manner that will prevent
20 surface or ground water contamination.

21

22 **8.4 Aquaculture**

23 Aquaculture is the farming or culturing of aquatic organisms. Aquaculture
24 encompasses a wide variety of activities including hatching, seeding,
25 planting, cultivating, feeding, raising, and harvesting of plants and
26 animals. These activities may have widely differing impacts on the aquatic
27 and shoreline environment.

28 Those activities that do not meet the definition of development in this
29 Master Program, such as beach culturing for restoration of a native species
30 and recreational hand harvesting, are not subject to the shoreline permit
31 requirements of the Shoreline Management Act and this Master Program.
32 Additionally, harvesting by Tribal entities is exempt from compliance with
33 the City's Shoreline Master Program pursuant to state-tribe treaties.

34 Aquaculture can be carried out in subtidal, intertidal, upland, and fresh
35 water areas. The subtidal area is seaward of the line of extreme low tide.
36 The intertidal area is seaward of the ordinary high water mark and

Draft 5 – Clean Copy 12-21--05

1 landward of the line of extreme low tide. The upland area is landward of
2 the ordinary high water mark.

3 ***Policies***

4 **Policy 8.4.1** Limit aquaculture within the City's shoreline jurisdiction to the
5 following:

- 6 a. Geoduck harvesting within Department of Natural
7 Resources tracts;
- 8 b. Aquaculture for recovery of a native population; and,
- 9 c. *Upland* aquaculture activities (e.g., seafood processing) at
10 the Boat Haven Marina.

11 **Policy 8.4.2** Ensure that, when permitted, aquaculture developments are
12 located, designed and operated in a manner that is compatible with
13 existing uses and in keeping with the natural shoreline
14 environment and the environmental protection and restoration
15 policies of this Master Program.

16 **Policy 8.4.3** Protect established aquaculture operations from incompatible uses
17 that may seek to locate nearby. Demonstration of a probability that
18 such an adjacent use would result in damage to, or destruction of
19 such an aquaculture operation shall be grounds for the denial of
20 that use.

21 ***Development Regulations***

22 **DR-8.4.1** The following aquaculture activities may be permitted:

- 23 a. Shellfish seeding/culturing when conducted for native
24 population recovery in accordance with a government/tribal
25 approved plan.
- 26 b. Seafood processing upland of the OHWM in the Boat
27 Haven Marina environment designation only.
- 28 c. Commercial geoduck harvesting, when permitted by the
29 Department of Natural Resources (DNR) on a DNR tract.

30 All other aquaculture developments and activities are prohibited
31 within the shoreline jurisdiction, including fish pens and
32 commercial shellfish seeding/culturing.

Draft 5 – Clean Copy 12-21--05

1 **DR-8.4.2** Processing of aquaculture products shall not occur in or over the
2 water except for sorting or culling of organisms and washing or
3 removal of surface materials or organisms. All other processing
4 facilities shall be located on land.

5 ***Geoduck Harvesting***

6 **DR-8.4.3** Geoduck harvesting shall not be permitted in kelp beds or in
7 eelgrass beds unless approved by the Washington State
8 Department of Fisheries.

9 **DR-8.4.4** Proposals for mechanical harvesting that involve substantial
10 substrate modification shall be evaluated using the policies and
11 performance standards for Dredging (Section 9.5) *in addition to*
12 the provisions of this section.

13 **DR-8.4.5** Applications for geoduck harvest shall be submitted on forms
14 provided by the City of Port Townsend and shall include but are
15 not limited to, the following information:

- 16 a. Tract size and location;
- 17 b. Harvesting techniques;
- 18 c. A description of associated upland operations (e.g., truck
19 transportation, processing, etc.);
- 20 d. Hours of operation;
- 21 e. A description of existing shoreline conditions (including
22 flora, fauna, natural processes, and adjacent uses);
- 23 f. Relationship to other permits, rules, and regulations;
- 24 g. Proposed method for marking tract boundary.

25
26 **DR-8.4.6** Commercial geoduck harvesting may be allowed as a permitted
27 use when permitted by the Department of Natural Resources and
28 provided that the applicant demonstrates that the location, design,
29 and operation of the harvest will not:

- 30 a. Conflict with existing adjacent uses either directly (e.g.,
31 obstructing navigational channels) or indirectly (e.g.,
32 noise). Limitations on hours of operation may be required
33 to protect adjacent uses.

Draft 5 – Clean Copy 12-21--05

- 1 b. Cause a significant adverse impact on natural shoreline
- 2 processes;
- 3 c. Cause significant adverse cumulative impacts (i.e.,
- 4 aquaculture operations should be adequately spaced).
- 5 d. Degrade critical habitat areas or environmental restoration
- 6 sites;
- 7 e. Interfere with the migration of aquatic organisms except
- 8 where specifically intended by the design or operation of
- 9 the facility; or
- 10 f. Significantly degrade aesthetic quality of the state's
- 11 shorelines.
- 12

13 **8.5 Boat Launches**

14 Boat launches are slabs, pads, planks, rails, cranes or graded slopes used

15 for launching boats by means of a trailer, hand, or mechanical device.

16 ***Policies***

17 **Policy 8.5.1** Maintain existing boat launch areas at Boat Haven Marina, Monroe

18 Street (Salmon Club), at Point Hudson and at Fort Worden State

19 Park for future Port, commercial and recreational uses. The boat

20 ramp at North Beach Park should not be rebuilt; it should be

21 removed and the beach should be restored.

22 **Policy 8.5.2** Install, maintain and rebuild boat launches in such a manner as to

23 minimize adverse affects on natural and physical shoreline

24 resources.

25 ***Development Regulations***

26 ***General***

27 **DR-8.5.1** Boat launches for Port, commercial or public recreational uses may

28 be permitted in the following shoreline environments: Boat Haven,

29 Historic Waterfront, Urban, Point Hudson, and Conservancy and

30 associated Aquatic areas.

31 **DR-8.5.2** New boat launches requiring shoreline modifications shall be

32 allowed only as conditional uses due to their potentially significant

33 impacts to the shoreline environment.

Draft 5 – Clean Copy 12-21--05

1 **DR-8.5.3** Designation of a new hand launch-site where improvements are
2 limited to installation of public-access signage valued at \$5,000 or
3 less shall be exempt from a Shoreline Substantial Development
4 Permit.

5 **DR-8.5.4** Reconstruction of an existing launch (except the North Beach
6 launch that has been identified as a restoration site) is a permitted
7 use.

8 ***Design Standards***

9 **DR-8.5.5** Boat launches and ancillary facilities shall be located, designed,
10 constructed, and operated as to:

- 11 a. Minimize adverse affects of fish, shellfish, wildlife, water
12 quality, and existing geohydraulic shoreline and stream
13 processes;
- 14 b. Be clearly separated from nearby swimming areas;
- 15 c. Provide adequate on-shore sewage and waste disposal
16 facilities and a means for effective operation; and
- 17 d. Be compatible with adjacent uses.

18

19 **DR-8.5.6** Associated docks and floats shall conform to the applicable
20 policies and performance standards of this Master Program.

21 **DR-8.5.7** Associated parking and loading areas shall:

- 22 a. Comply with the City of Port Townsend's Parking Code
23 (PTMC 17.72);
- 24 b. Provide adequate off-road parking and loading areas;
- 25 c. Facilitate orderly launching and retrieval of boats, as well
26 as the movement of vehicles and trailers in the launching
27 area;
- 28 d. Provide ample room for the handling and maneuvering of
29 boat trailers;
- 30 e. Be located away from the immediate water's edge and
31 beaches; and
- 32 f. Ensure that surface runoff does not pollute adjacent waters
33 or cause soil or beach erosion.

Draft 5 – Clean Copy 12-21--05

1

2 **8.6 Commercial Development**

3 Commercial development means those uses and facilities that are involved
4 in wholesale or retail trade or business activities. Examples include but
5 are not limited to hotels, motels, grocery stores, restaurants, shops, offices,
6 and indoor recreation facilities. This is a broad category that mostly
7 applies to the downtown area where most of the detailed development
8 regulations are addressed by the underlying zoning. Proposals lying
9 within the C-II zoning district must comply with the city’s commercial
10 design standards (17.44 PTMC). Proposals within the C-III zoning district
11 are subject to historic design review pursuant to Sections 17.30 and 17.80
12 PTMC.

13 The design, layout and operation of certain commercial uses directly
14 affects their classification with regard to whether or not they qualify as
15 water-related or water-enjoyment uses.

16 ***Policies***

17 **Policy 8.6.1** Give priority to those commercial developments that are dependent
18 on shoreline locations or that allow a substantial number of people
19 to actively or passively enjoy the shoreline.

20 **Policy 8.6.2** Prohibit over-water commercial uses, except to facilitate reuse of
21 existing structures, or as a minor accessory use to a public facility
22 (e.g., an espresso stand at the ferry terminal).

23 **Policy 8.6.3** Design commercial uses in a manner that provides physical and
24 visual access to the water.

25 **Policy 8.6.4** Design commercial uses adjacent to the ordinary high water mark
26 in a manner that provides landscaping and environmental
27 restoration at the water’s edge consistent with constitutional and
28 other limitations on the regulation of private property.

29 ***Development Regulations***

30 **DR-8.6.1** Over-water construction of commercial uses is prohibited except as
31 follows:

- 32 a. The development of docks, boat launch ramps, or other
33 shoreline access facilities.

Draft 5 – Clean Copy 12-21--05

- 1 b. Commercial uses of existing over-water buildings may be
2 allowed to facilitate reuse of existing structures in the
3 Historic Waterfront environment.
- 4 c. Minor commercial uses that are accessory and clearly
5 incidental to an allowed use may be provided on *publicly*
6 *owned* docks and piers (e.g., espresso stand at the ferry
7 terminal; authorized ticket sales for a temporary, marine-
8 oriented event).

9 **DR-8.6.2** Commercial development shall be subject to the design review
10 provisions of the Port Townsend Zoning code (Title 17 PTMC).

11 **DR-8.6.3** All commercial development/redevelopment requiring a
12 Substantial Development or Conditional Use Permit within
13 shoreline jurisdiction shall provide for public visual and physical
14 access to the shoreline in accordance with Chapter 7, *Public*
15 *Access*, taking into consideration constitutional and statutory
16 limitations. Such provisions could be the preservation of shoreline
17 views, the establishment of public access easements across and to
18 the shoreline, enhancement of an adjacent street-end or park or
19 other consideration commensurate with the degree of impact
20 caused by the development.

21 **DR-8.6.4** Bed and Breakfast establishments proposed within a Residential
22 zoning district, are required to meet the policies and regulations for
23 both Residential and Commercial use.

24 **8.7 Industrial and Port Facilities**

25 Industry applies to those businesses or uses involved in the production,
26 processing, manufacturing, or fabrication of goods. Warehousing and
27 storage of materials or products is considered part of the industrial
28 process. Water-dependent industries are those that require location on the
29 shoreline by reason of the nature of their business. Ports are a specialized
30 subcategory of general industrial use. Port facilities are centers of water-
31 borne traffic and commerce. Industry and ports are both covered in this
32 section.

33 Port and industrial developments are often associated with a number of
34 uses and modifications that are identified separately in this Master
35 Program (e.g., parking, dredging). Each use activity and every type of
36 shoreline modification should be carefully identified and reviewed for
37 compliance with all applicable sections.

Draft 5 – Clean Copy 12-21--05

1 Port and industrial facilities are intensive and have the potential to
2 negatively impact the shoreline environment. When impacts cannot be
3 avoided, impacts must be mitigated to assure no-net-loss of ecological
4 function necessary to sustain shoreline resources. Please refer to Chapter
5 6, *Environmental Protection*.

6 ***Policies***

- 7 **Policy 8.7.1** Reserve shorelines that are particularly *suitable* for water-
8 dependent and water-related industrial development for these uses.
9 Suitable shorelines have few environmental limitations, such as
10 critical areas. Industrial uses are encouraged to locate in areas
11 contaminated by past uses thus, allowing for environmental
12 cleanup/restoration to be incorporated into development plans.
- 13 **Policy 8.7.2** Prohibit non-water-dependent industrial developments over water.
- 14 **Policy 8.7.3** Require new industrial development to provide physical and visual
15 access to shorelines whenever possible, consistent with
16 constitutional and statutory limitations, and provided such access
17 does not interfere with industrial operations or endanger public
18 health and safety.
- 19 **Policy 8.7.4** Encourage or require cooperative use of docks, cargo handling,
20 storage, parking, and other accessory facilities among private or
21 public entities in shoreline industrial areas.
- 22 **Policy 8.7.5** Ensure that land transportation and utility corridors serving ports
23 and water-related industry follow the guidelines provided under the
24 sections dealing with utilities and transportation. Where feasible,
25 transportation and utility corridors should be located upland to
26 reduce conflicts with industrial operations.

27 ***Development Regulations***

28 ***General***

- 29 **DR-8.7.1** Only water-dependent industry and water-related industry shall be
30 permitted in the shoreline jurisdiction.
- 31 **DR-8.7.2** Over-the-water construction of non-water-dependent industrial
32 uses is prohibited. This provision is not intended to preclude the
33 development of docks, piers or boating facilities that are necessary
34 for the operation of a water-dependent industrial use must be

Draft 5 – Clean Copy 12-21--05

1 located, designed, and operated in a manner consistent with the
2 provisions of this Master Program.

3 **DR-8.73** Storage and/or disposal of industrial wastes are prohibited within
4 shoreline jurisdiction, unless specifically listed herein.

5 **DR-8.74** The following uses may be permitted as a conditional use:

6 a. Bulk storage of oil, fuel, chemicals, or hazardous materials,
7 on either a temporary or a permanent basis, provided that
8 secondary containment and an emergency spill response
9 plan are included in the proposal.

10 b. Wastewater treatment and reclamation systems accessory to
11 a permitted use (also see “Utilities”), provided that

12 i. Alternate inland areas are unavailable and,

13 ii. The proposed location, design and operation are
14 compatible with existing and planned water-oriented uses.

15 ***Design***

16 **DR-8.75** Industrial and port facilities shall be located, designed, constructed,
17 and operated so as to minimize impacts to shoreline resources and
18 unnecessary interference with the right of adjacent property
19 owners, as well as adjacent shoreline or water uses. To this end,
20 applications for industrial/port facilities must demonstrate
21 conformance with the following criteria. The proposal shall:

22 a. Comply with all federal, state, regional, and local
23 requirements regarding air and water quality including but
24 not limited to those contained in Chapter 6, *Environmental*
25 *Protection*. No pollution of air by fly-ash, dust, vapors,
26 odors, smoke, or other substances shall be permitted that
27 are harmful to health, animals, vegetation, or other
28 property, or that can cause excessive soiling.

29 b. Incorporate adequate buffers or greenbelts to protect
30 adjacent non-industrial uses. All new or expanded
31 industrial development shall be set back and buffered from
32 adjacent shoreline properties that are used for or zoned for
33 non-industrial purposes. As set forth in Section 5.13.18,
34 such buffering or greenbelt at Point Hudson shall include
35 landscaping, shrubs, trees and native vegetation as found to

Draft 5 – Clean Copy 12-21--05

1 be appropriate depending on the impact, and shall be
2 planted along the common boundary and grow to not more
3 than 12 feet or less than 8 feet in height, nor less than 10
4 feet in width, within five years, unless an alternate
5 landscaping plan that better meets the goal of Section 5.13
6 of this SMP is approved by the Shoreline Administrator
7 that better meets the goal of Section 5.13 of this SMP. In
8 all other instances, buffering shall be consistent with the
9 provisions of PTMC Section 17.22.020(C). Buffers shall
10 not be used for storage of industrial equipment or materials,
11 or for waste disposal. Buffers may be used for outdoor
12 recreation if consistent with public access provisions.

- 13 c. Maximize joint use of accessory facilities -industrial/port
14 facilities shall be designed and operated to promote joint
15 use of over-water and accessory facilities such as piers,
16 docks, storage, and parking whenever practicable.
- 17 d. Protect public views of harbor areas and other recognized
18 or officially delineated vistas. Private views of the
19 shoreline, although considered during the review process,
20 are not expressly protected. Property owners concerned
21 with the protection of views from private property are
22 encouraged to obtain view easements, purchase intervening
23 property and/or seek other similar private means of
24 minimizing view obstruction.
- 25 e. Separate unpaved storage from groundwater - Where
26 unpaved storage areas are proposed, provides a minimum
27 4-foot separation between the ground surface and the
28 highest seasonal water table.
- 29 f. Make adequate provision for fire and safety hazards -
- 30 i. The storage and handling of inflammable liquids,
31 liquefied petroleum gases and explosives shall
32 comply with rules and regulations falling under the
33 jurisdiction of the city fire chief, the laws of the state
34 and other local ordinances;
- 35 ii. Bulk storage of inflammable liquids below ground
36 shall be permitted, and the tank shall be located not
37 closer to the property line than the greatest dimension
38 (diameter, length, or height of the tank).

Draft 5 – Clean Copy 12-21--05

- 1 iii. Adequate fire fighting, fire prevention and safety
- 2 equipment shall be provided as necessary to handle
- 3 materials stored or used on the site.
- 4 iv. Flammable/explosive/hazardous materials shall be
- 5 kept removed from adjacent activities to a distance
- 6 that is compatible with the potential danger involved.
- 7 v. Provisions shall be made to minimize the probability
- 8 of spills of fuel or other toxic substances and to
- 9 handle accidental spills that occur.
- 10 vi. Emission of dangerous radioactivity shall be
- 11 prohibited.
- 12
- 13 g. Prevent interference. - Provide for necessary shielding or
- 14 other measures to prevent on-site mechanical or electrical
- 15 equipment from interfering with the use of electrical
- 16 apparatus off-site.
- 17
- 18 h. Screen waste products – Liquid and solid wastes, storage of
- 19 animal or vegetable waste that attract insects or rodents or
- 20 otherwise create a health hazard shall be prohibited. No
- 21 such waste products shall be exposed to view from eye
- 22 level from any property line in the Boat Haven or Point
- 23 Hudson designation.
- 24
- 25 i. Noise and vibration are a normal part of marine industrial
- 26 operations. However, noise emanating from the premises
- 27 used for marine-related and manufacturing activities shall
- 28 be regulated under PTMC 9.09 and PTMC 17.22.020(D)(1)
- 29 as they now exist or may later be amended.. Provided, the
- 30 shoreline administrator may impose permit conditions to
- 31 mitigate temporary noise or vibration associated with
- 32 authorized construction activities.
- 33
- 34 j. Exterior lighting shall not be used in such a manner that
- 35 produces glare on public areas or water bodies. Arc
- 36 welding, acetylene torch cutting or similar processes shall
- 37 be performed so as not to be seen from any point beyond
- the property.
- k. Noxious odors shall be eliminated to the extent feasible.

Deleted: 8

Comment [JS1]: Page: 15
Council 11-17-05

37 **Public Access**

Draft 5 – Clean Copy 12-21--05

1 **DR-8.7.6** Port and industrial facilities shall provide public access to
2 shoreline areas in accordance with Chapter 7, *Public Access*,
3 taking into consideration constitutional and statutory limitations,
4 public safety, health, and security. Where industrial use is
5 proposed for location on land in public ownership, public access
6 shall be required. Such provisions could be the preservation of
7 shoreline views, the establishment of public access easements
8 across and to the shoreline, enhancement of an adjacent street-end
9 or park or other consideration commensurate with the degree of
10 impact caused by the development.

11 **8.8 Marinas**

12 Facilities that provide launching, storage, supplies, moorage, and other
13 services for six or more pleasure and commercial watercraft. Commercial
14 development, not accessory to the operation of a marina, shall comply
15 with Section 8.6, "Commercial Development." Shoreline modifications
16 associated with marinas, including docks, piers, and floats, shall also
17 comply with Chapter 9 Shoreline Modifications.

18 ***Policies***

19 **Policy 8.8.1** Concentrate marina development at the Boat Haven and Point
20 Hudson marinas. Expansion of existing marinas shall comply with
21 the Port of Port Townsend Comprehensive Scheme of Harbor
22 Improvements. No new marinas should be developed.

23 **Policy 8.8.2** Ensure that Marina expansions are located, designed, constructed
24 and operated in a manner that will minimize damage to shoreline
25 processes and functions. When impacts cannot be avoided,
26 impacts must be mitigated to assure no-net-loss of ecological
27 function necessary to sustain shoreline resources.

28 **Policy 8.8.3** Ensure that marinas are located, designed and operated so as to be
29 compatible with adjacent uses and protect the aesthetic qualities of
30 the shoreline environment.

31 **Policy 8.8.4** Consult the standards and guidelines of applicable federal, state
32 and local agencies in planning for marina expansion and new
33 mooring facilities.

34 **Policy 8.8.5** Give valid consideration to floating breakwaters as an alternative
35 to conventional breakwaters.

Draft 5 – Clean Copy 12-21--05

1 **Development Regulations**

2 **DR-8.8.1** The following uses shall be prohibited:

- 3 a. New marinas
- 4 b. Covered moorage
- 5 c. Floating houses

6
7 **DR-8.8.2** Marina expansions and new mooring buoy fields may be permitted
8 as a conditional use. Where permitted, these facilities shall be
9 located, designed, constructed, and operated so as to minimize
10 impacts to shoreline resources and unnecessary interference with
11 adjacent residential property owners, as well as adjacent shoreline
12 or water uses. To this end, applications for such facilities must
13 demonstrate conformance with the following criteria. The
14 proposal shall:

- 15 a. Locate with regard to favorable conditions related to wind,
16 current, bathymetrics, and for overnight moorage facilities,
17 adequate flushing action.
- 18 b. Comply with all federal, state, regional, and local requirements
19 regarding water quality, including, but not limited to,
20 Department of Health Standards and environmental policies and
21 regulations contained in Chapter 6, *Environmental Protection*.
- 22 c. Be compatible with the general aesthetic quality of the shoreline
23 area where they are located. Provide for adequate upland support
24 facilities (e.g., restrooms, dumpsters, etc.)
- 25 d. Provide accessory parking and loading areas - said facilities
26 shall be located well away from the water's edge and shall be
27 designed in accordance with *Section 8.11, Parking*.
- 28 e. Facilitate orderly launching, retrieval, and storage of boats as
29 well as circulation of vehicles and pedestrians in the vicinity of
30 the marina.
- 31 f. Marinas shall make provisions to minimize the probability of
32 fuel spills during handling or storage.
- 33 g. Make provisions shall be made to handle accidental spills that do
34 occur.
- 35 h. Provide pump-out and on-shore sewage and waste disposal
36 facilities. Public/Port pump-out facilities shall be available at no
37 direct charge to the user.

Draft 5 – Clean Copy 12-21--05

1 **8.9 Mining**

2 Mining is the removal and primary processing of naturally occurring
3 materials from the earth for economic use. For purposes of this Master
4 Program, "processing" includes screening, crushing, and stockpiling of
5 materials removed from the site. Mining activities also include in-water
6 dredging activities related to mineral extraction. Processing does not
7 include general manufacturing, such as the manufacture of concrete.

8 ***Policies***

9 **Policy 8.9.1** Ensure that all mining activities occur in appropriately designated areas
10 outside of the Port Townsend shoreline jurisdiction.

11 ***Development Regulations***

12 **DR-8.9.1** Mining in all shoreline areas is prohibited.

13 **8.10 Mooring Buoys**

14 Mooring buoys are anchored devices in water bodies used for the
15 mooring of watercraft. If six or more buoys are proposed, the
16 proposal must also comply with policies and regulations under
17 "Marinas," above.

18 ***Policies***

19 **Policy 8.10.1** Allow mooring buoys for transient boaters as a means to encourage
20 economic development and recreation. Designated mooring
21 buoys provide boaters with an alternative to anchoring in critical
22 eelgrass beds found along the city's southern shoreline.

23 **Policy 8.10.2** Limit the development and management of mooring buoys to the
24 City of Port Townsend, the Port of Port Townsend, Washington
25 State Parks, or other public or non-profit agency for public use.

26 **Policy 8.10.3** Work with the Port of Port Townsend, Washington State Parks,
27 other public or non-profit agencies and the Department of Natural
28 Resources to identify a "carrying capacity" of mooring buoys for
29 Port Townsend Bay.

30 **Policy 8.10.4** Prohibit mooring buoys where such installations will significantly
31 interfere with navigation.

32 **Policy 8.10.5** Discourage the placement of mooring buoys where sufficient dock
33 facilities exist

Draft 5 – Clean Copy 12-21--05

- 1 **Policy 8.10.6** Ensure that mooring buoys are located, designed, constructed and
2 operated in a manner that will minimize damage to sensitive
3 ecological areas such as eelgrass beds, or aquaculture resources or
4 facilities, except where the impacts of the mooring buoys will
5 replace existing and ongoing practices that cause greater ecological
6 degradation. (For example, the lesser impact of mooring buoys
7 may be a suitable alternative to the current impacts of boat
8 anchors.)
- 9 **Policy 8.10.7** Ensure that mooring buoy fields are located, designed and operated
10 so as to be compatible with adjacent uses and protect the aesthetic
11 qualities of the shoreline environment.
- 12 **Policy 8.10.8** Ensure that mooring buoys and the swing path of attached vessels
13 do not encroach on privately owned tidelands or the swing path of
14 a legally established or “grandfathered” moored boat and buoy.

15

16 ***Development Regulations***

17 **DR-8.10.1** Applications for *public* mooring buoys shall include an enforcement and
18 management plan that describes rules and regulations for public use.

19 **DR-8.10.2** Private mooring buoys are prohibited.

20 **DR-8.10.3** Mooring buoys shall comply with the following design standards:

- 21 a. Land based retrieval lines from mooring buoys shall be
22 prohibited.
- 23 b. Mooring buoys shall be located as close to the shore as feasible
24 while taking into consideration critical habitat. They shall not be
25 located farther waterward than adjacent mooring buoys unless the
26 draft and/or swing path of the boat dictates it.
- 27 c. Buoys must float at least 12" above the water and be a light or
28 bright color. -.
- 29 d. Mooring buoys shall be located no closer than 100 feet from
30 another mooring buoy, dock, pier, float, or other fixed
31 navigational obstruction, unless there is a written agreement
32 allowing for the encroachment with the parties affected, including
33 the subtidal property owner.
- 34 e. Buoys shall be marked with the responsible agency's name,
35 address, and telephone number.

Draft 5 – Clean Copy 12-21--05

1 f. Buoys shall comply with the requirements of all applicable
2 regulatory agencies (e.g., WAC 332-30-148).

3 **DR-8.10.4** Mooring buoys shall be located, designed, constructed, and operated so
4 as to minimize impacts to shoreline resources and unnecessary
5 interference with the right of adjacent property owners, as well as
6 adjacent shoreline or water uses. To this end, applications for such
7 facilities must demonstrate conformance with the following criteria. The
8 proposal:

9 a. Is located with regard to favorable conditions related to
10 wind, current, bathymetrics and, for overnight moorage
11 facilities, adequate flushing action.

12 b. Complies with all federal, state, regional, and local
13 requirements regarding water quality including but not limited
14 to Department of Health Standards and environmental policies
15 and regulations contained in Chapter 6, *Environmental*
16 *Protection*.

17 c. Is compatible with the general aesthetic quality of the
18 shoreline area where they are located.

19 d. Provides for adequate upland support facilities (e.g.,
20 restrooms, dumpsters, etc.)

21 e. Is compatible with navigation.

22 f. Demonstrates that the buoy system proposed is adequate to
23 withstand the maximum expected physical stress that the
24 environment and moored craft will place on the buoy.
25

26 **DR-8.10.5** A mooring buoy shall secure no more than two (2) boats.
27

28 **8.11 Parking Facilities**

29 Parking is the use of land for storage of motor vehicles, motorized
30 equipment, or accessory units, such as trailers. Land used for this purpose
31 is leveled, cleared, and often covered with an impermeable surface.
32 Parking includes areas for scenic vista parking.

33 ***Policies***

34 **Policy 8.11.1** Minimize parking in shoreline areas.

35 **Policy 8.11.2** Design and place parking facilities as far as practicable from the water's
36 edge.

Draft 5 – Clean Copy 12-21--05

1 **Policy 8.11.3** Ensure that parking facilities are adequate to serve the level of demand
2 anticipated by the associated use.

3 **Policy 8.11.4** Minimize impacts from parking facilities in shoreline areas including
4 those related to stormwater runoff, water quality, visual qualities, public
5 access, and vegetation and habitat maintenance, through appropriate
6 location and design

7 ***Development Regulations***

8 Parking for specific land use activities within the City of Port Townsend is
9 subject to the requirements and standards set forth in the *Port Townsend*
10 *Zoning Code*, in addition to the regulations of this section.

11 **DR-8.11.1** Parking in shoreline areas must directly serve an approved
12 shoreline use.

13 **DR-8.11.2** Parking as a principal use (i.e., not accessory to an authorized use)
14 is prohibited, except when provided as part of a public scenic vista.

15 **DR-8.11.3** Parking facilities waterward of the ordinary high water mark are
16 prohibited, provided that they may be allowed on over-water
17 structures through the conditional use process when they are a
18 component of a publicly operated ferry terminal.

19 **DR-8.11.4** Parking shall comply with the following design standards as
20 applicable (e.g., items a, b, e and f would not apply to over-water
21 ferry terminal parking):

- 22 a. Parking shall be located on the landward side of the
23 development unless contained within a permitted structure.
24 b. Where there is no existing structure, parking shall extend
25 no closer to the shoreline than a permitted structure.
26 c. The design and construction of parking facilities shall
27 assure that surface water runoff will not pollute adjacent
28 waters or cause soil or beach erosion. Oil separators and
29 retention ponds are considered positive measures towards
30 compliance with this standard. Alternatives to
31 conventional storm water treatment, such as use of pervious
32 materials, shall be considered in order to minimize impacts
33 due to runoff and the need for storm water treatment.
34 d. Security lighting associated with parking facilities shall be
35 beamed, hooded, or directed so as to not cause glare on
36 adjacent properties or water bodies.

Draft 5 – Clean Copy 12-21--05

- 1 e. Parking facilities shall be separated from residential,
2 recreation, and natural areas (e.g., the shoreline) by
3 landscaping and/or screening in accordance with the
4 Parking Facilities Landscaping requirements of the Port
5 Townsend Municipal Code, Title 17). The landscaping
6 shall, preferably, consist of native vegetation. The
7 requirement for screening may be waived or modified by
8 the Shoreline Administrator, where screening would
9 obstruct a significant view from public property or public
10 roadway or to address public safety concerns.
- 11 f. All landscaping must be maintained in a neat and orderly
12 manner. In no event shall such landscape areas be used for
13 the storage of materials or parking of automobiles, or
14 recreational or other vehicles.
- 15 g. Vista parking facilities shall include a significant public
16 view and provide recreational opportunities such as picnic
17 tables or viewing benches.

18 **8.12 Recreational Facilities**

19 Recreational development provides opportunities for play, sports,
20 relaxation, amusement, or contemplation. It includes facilities for passive
21 recreational activities, such as hiking, photography, viewing, and fishing.
22 It also includes facilities for active or more intensive uses such as parks,
23 campgrounds, and golf courses. This section applies to both publicly- and
24 privately-owned shoreline facilities intended for use by the public or a
25 private club, group, association, or individual. Commercial recreational
26 development must be consistent with the provisions of this section *and* the
27 provisions of section 8.6, for commercial uses.

28 This Master Program gives priority to recreational development that is
29 primarily related to access to, enjoyment and use of the water and
30 shorelines of the state as reflected in the Use Table of Chapter 5,
31 Environments.

32 ***Policies***

- 33 **Policy 8.12.1** Encourage the coordination of local, state, and federal recreation
34 planning so as to mutually address recreational needs. Shoreline
35 recreational developments should be consistent with all adopted park,
36 recreation, and open space plans.
- 37 **Policy 8.12.2** Encourage the linkage of shoreline parks, recreation areas, and public
38 access points in a linear system, such as hiking paths, bicycle paths, and
39 scenic drives.

Draft 5 – Clean Copy 12-21--05

- 1 **Policy 8.12.3** Locate and design recreational developments in a manner that preserves,
2 enhances, or creates scenic views and vistas.
- 3 **Policy 8.12.4** Locate and design recreational facilities to minimize adverse impacts
4 including those related to stormwater runoff, water quality, visual
5 qualities, public access, and vegetation and habitat maintenance.
- 6 **Policy 8.12.5** Encourage physical and visual access to shorelines and surface waters.
- 7 **Policy 8.12.6** Prevent concentration of clutter and leave the beaches and tidelands in
8 their natural state by locating camping and overnight recreation sites in
9 upland areas. Park design and operation should deal with the impact such
10 activities have not only within park boundaries but on adjacent properties
11 and communities as well.
- 12 **Policy 8.12.7** Locate golf courses outside of the shoreline area.
- 13 **Policy 8.12.8** Prohibit use of recreational off-road vehicles should not occur within the
14 shoreline area, except by public agencies for maintenance, operations
15 and emergency services.

16 ***Development Regulations***

- 17 **DR-8.12.1** The following recreational uses and developments are prohibited:
- 18 a. Golf courses;
- 19 b. Use of recreational off-road vehicles is prohibited on natural
20 areas of the shoreline, except by public agencies for
21 maintenance, operations and emergency services;
- 22 c. Private campgrounds; and
- 23 d. Overnight recreational spaces or sites located on beaches, dunes,
24 or intertidal areas.
- 25 **DR-8.12.2** Recreational facilities shall make adequate provisions for:
- 26 a. Vehicular and pedestrian access, both on-site and off-site;
- 27 b. Vehicular traffic, both inside and outside the facility;
- 28 c. Vehicular parking;
- 29 d. Water supply, sewage disposal, and garbage collection;
- 30 e. The control of fires both within recreational facilities and
31 between recreational facilities and adjacent private or public
32 lands;
- 33 f. The prevention of overflows and trespasses onto adjacent
34 properties;

Draft 5 – Clean Copy 12-21--05

- 1 g. Screening, buffer strips, fences, and signs to prevent park
2 overflow and to protect the value and enjoyment of adjacent or
3 nearby private or public properties;
- 4 h. Enforcement of laws and regulations associated with use of the
5 facilities being proposed;
- 6 i. Security; and
7 j. Maintenance.
- 8 **DR-8.12.3** Valuable shoreline resources and fragile or unique areas, such as
9 wetlands and accretion shore forms, shall be used only for non-intensive
10 recreation activities.
- 11 **DR-8.12.4** Waterward of the ordinary high water mark, no recreational buildings or
12 structures shall be built, except water-dependent and/or water-enjoyment
13 structures as follows: docks, bridges, piers and viewing platforms which
14 may be permitted as a conditional use.
- 15 **DR-8.12.5** For recreation developments, such as playing fields that require the use
16 of fertilizers, pesticides, or other chemicals, the applicant shall submit
17 plans demonstrating the methods to be used to prevent these chemical
18 applications and resultant leachate from entering adjacent water bodies
19 and wetlands. Natural vegetation buffer strips shall be required between
20 the shoreline waters and recreation developments that use fertilizers,
21 pesticides, or other chemicals. The Shoreline Administrator shall
22 determine the width necessary for buffer strips. Buffers shall not be less
23 than fifty- (50) feet wide, measured on a horizontal plane, perpendicular
24 to the edge of the ordinary high water mark. The proponent shall also be
25 required to leave a chemical-free swath at least one hundred (100) feet in
26 width next to water bodies and wetlands.
- 27 **DR-8.12.6** Encourage recreational facilities to provide signage and enforce
28 regulations that prohibit tree cutting and limit the taking of marine life,
29 driftwood, and the like.
- 30 **DR-8.12.7** Signs associated with recreational facilities shall be kept to a minimum
31 in number and size and shall be erected as informational or directional
32 aids only.
- 33 **DR-8.12.8** Stairways and landings shall be located upland of existing bulkheads,
34 banks, and the ordinary high water mark.

35 **8.13 Residential Development**

36 Residential development refers to one or more buildings, structures, lots,
37 parcels, or portions of parcels that are used or intended to be used to

Draft 5 – Clean Copy 12-21--05

1 provide a dwelling for human beings. Residential development includes
2 single-family residences, duplexes, other detached dwellings, multifamily
3 residences, apartments, townhouses, mobile home parks, group housing,
4 condominiums, subdivisions, planned unit developments, and short
5 subdivisions. Residential development also includes accessory uses and
6 structures such as garages, sheds, tennis courts, swimming pools,
7 driveways, parking areas, fences, cabanas, saunas, and guest cottages,
8 when allowed by the underlying zoning. Residential development does
9 not include hotels, motels, or camping facilities. Bed and Breakfast
10 establishments proposed within a Residential zoning district, are required
11 to meet the policies and regulations for both Residential and Commercial
12 use.

13 Note: A Substantial Development Permit is not required for construction
14 of a single-family residence by an owner, lessee, or contract purchaser for
15 his own use or the use of his family. However, such construction and all
16 normal appurtenant structures must otherwise conform to this Master
17 Program and obtain a Letter of Exemption. In addition, when applicable,
18 all residential development is subject to the variance and conditional use
19 requirements of this Master Program. For example, *a variance will be*
20 *required for any residential development that proposes to locate within the*
21 *shoreline environment setbacks* established in Chapter 5 of this Master
22 Program.

23 Uses and facilities associated with residential development, which are
24 identified as separate use activities or modifications in this Master
25 Program, such as clearing, grading and landfill are subject to the
26 regulations established for those uses in this section.

27
28 ***Policies***

29 **Policy 8.13.1** Discourage residential structures or accessory structures in areas
30 waterward of the ordinary high water mark, within nearshore
31 management areas, or within wetlands, habitat conservation areas,
32 flood hazard areas, landslide hazard areas or their respective
33 buffers.

34 **Policy 8.13.2** Ensure that all residential development is designed:

- 35 a. At a level of density of site coverage and occupancy
36 compatible with the physical capabilities of the shoreline

Draft 5 – Clean Copy 12-21--05

- 1 area, and consistent with the density provisions of the Port
2 Townsend Comprehensive Plan and zoning code.
- 3 b. To preserve and enhance existing shoreline vegetation,
4 control erosion and protect water quality, ecological
5 resources and shoreline aesthetics of the shoreline both
6 during and after construction.
- 7 c. To protect public views and provide public access to the
8 shoreline. In accordance with the Public Access
9 requirements in Chapter ____, residential developments of
10 more than four (4) dwelling units should provide dedicated
11 and improved public access to the shoreline.
- 12 d. To preserve natural drainage courses, aquifer recharge
13 areas, and similar ecologically sensitive areas.
- 14 e. To not significantly block views enjoyed by a substantial
15 number of residences. Private views of the shoreline, although
16 considered during the review process, are not expressly
17 protected. Property owners concerned with the protection of
18 views from private property are encouraged to obtain view
19 easements, purchase intervening property and/or seek other
20 similar private means of minimizing view obstruction.
- 21 f. To blend into the site as much as possible.
- 22 g. To locate sewage disposal drain fields, in those limited
23 circumstances where they are permitted, in appropriate
24 areas (e.g., not subject to flooding or likely to decrease
25 slope stability).

26 **Policy 8.13.3** Consider additional design features for new subdivision and short
27 subdivisions that:

- 28 a. Cluster dwelling units in order to preserve natural features,
29 minimize physical impacts, and provide for public access to
30 the shoreline.
- 31 b. Maintain usable waterfront areas for the common use of all
32 property owners within the development.
- 33 c. Are serviced by sanitary sewer and public water facilities in
34 accordance with appropriate state and local health

Draft 5 – Clean Copy 12-21--05

1 regulations. Storm drainage facilities should be separate,
2 not combined with sewage disposal systems.

3 **Policy 8.13.4** Encourage joint use of shoreline facilities including access stairs.

4 ***Development Regulations***

5
6 **DR-8.13.1** Clearing and grading associated with a single-family residence
7 may be exempted from the shoreline substantial development
8 permit (SSDP) requirement, provided the following conditions are
9 met:

- 10 a. The clearing and grading activity is confined to the
11 construction site and;
12
13 b. Grading does not exceed 250 cubic yards.
14

15 **DR-8.13.2** Residential structures shall not be located in areas subject to
16 flooding or tidal inundation unless complete flood proofing
17 measures have been provided, and then only when the location of
18 such structures will not aggravate flooding possibilities of nearby
19 properties.

20 **DR-8.13.3** Residential development shall be:

- 21 a. Located and designed to avoid the need for structural shore
22 defense and flood protection works in the foreseeable
23 future.
24
25 b. Designed to minimize potential conflicts with the use of
26 adjacent public lands and areas of public access. This may
27 include providing a physical separation to reinforce the
28 distinction between public and private space, achieved by
29 providing adequate space, through screening with
30 landscape planting or fences, or other means.
31

32
33 **DR-8.13.4** Subdivisions:

- 34 a. Shall comply with local plans, codes, and/ordinances

Draft 5 – Clean Copy 12-21--05

- 1 b. Shall be designed to exemplify the definition and policy of
2 the applicable shoreline designation as well as the
3 environmental and physical capabilities of the subject site
- 4 c. Shall be prohibited if flood control or shoreline protection
5 measures are necessary to create a residential lot or site
6 area.
- 7 d. May be required to cluster residential units and structures
8 to avoid wetlands, habitat conservation areas or landslide
9 hazards that are located on the development site.
- 10 e. Shall be designed to minimize potential impacts conflicts
11 with the use of adjacent public lands and areas of public
12 access. This may include providing a physical separation
13 to reinforce the distinction between public and private
14 space, achieved by providing adequate space, through
15 screening with landscape planting or fences, or other
16 means.
- 17 f. Shall comply with the applicable policies and performance
18 standards of this Master Program, with regard to roads,
19 utilities, and other improvements.

20 ***Public Access***

21 **DR-8.13.5** Public access to publicly owned shorelines shall be maintained.

22 **DR-8.13.6** Public access improvements shall be designed to include measures
23 to prevent overflow usage from common and public areas upon
24 privately owned shore lands and uplands. Appropriate measures
25 may include fences or landscaping.

26 **DR-8.13.7** Developments of more than four (4) dwelling units adjacent to the
27 waterfront shall dedicate, improve, and provide maintenance
28 provisions for a pedestrian easement that provides area sufficient
29 to ensure usable access to the shoreline for all residents of the
30 development and the general public. When required, public access
31 easements shall be a minimum of twenty-five (25) feet in width
32 and shall comply with the public access standards contained in this
33 Master Program (see *Chapter __, "Public Access"*).

34 ***Environmental Protection***

Draft 5 – Clean Copy 12-21--05

1 In *addition* to the *General Environmental Policies* of Chapter 6,
2 residential development shall comply with the following standards:

- 3 **DR-8.13.8** Engineered storm drainage and treatment facilities shall be
4 required by the City for proposals of five (5) or more dwellings.
5 Drainage facilities shall be separate from sewage disposal
6 facilities. Drainage systems shall include provisions to prevent the
7 direct entry of uncontrolled and untreated surface water runoff into
8 receiving waters. Such provisions may include retention ponds,
9 vegetated swales, and artificial wetlands.
- 10 **DR-8.13.9** Developments containing marshes, swamps, lagoons, or similar
11 wetlands shall use those areas only for the purpose of parks, open
12 space, or passive recreational facilities.
- 13 **DR-8.13.10** Alteration of topography for building sites, access roads, and
14 utilities shall be conducted in compliance with the applicable
15 policies and performance standards of this Master Program.
- 16 **DR-8.13.11** Sewage disposal systems shall not be located within wetlands,
17 habitat conservation areas, landslide hazard areas, or their buffers,
18 or in the floodplain.

19 **8.14 Scientific, Cultural and Educational Facilities**

20 Scientific, cultural and educational facilities include those sites, structures,
21 or facilities that provide unique insight into our natural or cultural
22 heritage.

23 ***Policies***

- 24 **Policy 8.14.1** Work toward implementation of the Natural Historic Preservation Act of
25 1966 and the Washington State Parks and Recreation Commission Act
26 (RCW 43.51) and provide wherever possible for the protection,
27 rehabilitation, restoration, and reconstruction of districts, sites, buildings,
28 structures, and objects significant in American, Washington State, or
29 local history, architecture, archaeology, or culture.
- 30 **Policy 8.14.2** Consult with the Washington State Office of Archaeology and Historic
31 Preservation and professional consultants to review proposed project
32 areas for potential valuable data and to establish procedures for salvaging
33 that data.
- 34 **Policy 8.14.3** Permanently preserve sites, where feasible, consistent with constitutional
35 and statutory limitations, for scientific study and public observation.

Draft 5 – Clean Copy 12-21--05

- 1 **Policy 8.14.4** Relocate historic structures, when deemed necessary to protect the
 2 resource from natural elements (e.g., Point Wilson Lighthouse from high
 3 wind and waves), in a manner that preserves the historic integrity of the
 4 structure and the site, as applicable, to the extent feasible.
- 5 **Policy 8.14.5** Provide for site inspections and an evaluation of a professional
 6 archaeologist. Ensure that archaeological data is properly salvaged by
 7 attaching special conditions to development activities in areas known to
 8 contain archaeological data.
- 9 **Policy 8.14.6** Prevent public or private developments from destroying or destructively
 10 altering potential or recognizable sites having historic, cultural,
 11 scientific, or educational value as identified by appropriate authorities
 12 wherever feasible, consistent with constitutional and statutory
 13 limitations.
- 14 **Policy 8.14.7** Ensure that excavation activities are conducted in compliance with the
 15 applicable policies and standards of this Master Program.

16 ***Development Regulations***

- 17 **DR-8.14.1** No development or substantial development shall be undertaken with
 18 regard to a site or structure that has probable historical, scientific, or
 19 archaeological significance until an evaluation of the site or structure has
 20 been made by an authority judged competent in such matters by the
 21 Shoreline Administrator.
- 22 **DR-8.14.2** All feasible means shall be employed to ensure that data, structures, and
 23 sites having historical, scientific, educational, or archaeological
 24 significance are extracted, preserved, or used in a manner commensurate
 25 with their importance.
- 26 **DR-8.14.3** Consistent with constitutional and statutory limitations, public and
 27 private developments shall be located and designed to prevent
 28 destruction and alteration of sites having historic, cultural, scientific, or
 29 educational value as identified by appropriate authorities.
- 30 **DR-8.14.4** All shoreline permits shall contain provisions that require developers to
 31 immediately stop work and notify the City of Port Townsend if any items
 32 of archaeological or historical interest are uncovered during excavation.
 33 In such cases, the developer shall be required to allow site inspection and
 34 evaluation by a professional archaeologist to ensure that all possible
 35 valuable archaeological/historical data are properly salvaged.
- 36 **DR-8.14.5** The establishment, restoration, or revitalization of historical,
 37 archaeological, scientific, or educational facilities shall be done in such a
 38 manner that would cause minimal disturbance to adjacent properties as
 39 well as natural features of the shoreline.

Draft 5 – Clean Copy 12-21--05

1 **DR-8.14.6** Excavation of Indian artifacts shall be conducted in compliance with the
2 Washington State Archaeological Sites and Resources Act (RCW 27.53).

3 **DR-8.14.7** Excavation activities shall be conducted in compliance with the
4 applicable policies and standards of this Master Program.

5 **8.15 Transportation Facilities**

6 Transportation facilities are those structures and developments that aid in
7 land and water surface movement of people, goods, and services. They
8 include roads and highways, bridges and causeways, ferry terminals,
9 railroad facilities, and boat and floatplane terminals. Under this master
10 program, bikeways, walkways and trails are addressed under Section 8.12
11 “Recreational Facilities”.

12 ***Policies***

13 **Policy 8.15.1** Discourage the location of new major highways, freeways or
14 railroads in the shoreline jurisdiction.

15 **Policy 8.15.2** Reserve new roads for local access traffic or to connect to and
16 serve existing transportation facilities.

17 **Policy 8.15.3** Avoid unnecessary duplication of roads by making use of existing
18 roads where practicable. New wetland crossings by roads or trails
19 should be avoided.

20 **Policy 8.15.4** Plan road locations to fit the topography so alterations of natural
21 conditions will be minimized.

22 **Policy 8.15.5** Make provisions for scenic corridors safe pedestrian and other
23 non-motorized travel when designing new public roadways. Also,
24 provisions should be made for sufficient viewpoints, rest areas, and
25 picnic areas in public shorelines.

26 **Policy 8.15.6** Coordinate plans for transportation facilities with land use. Plans
27 for transportation facilities should be consistent with the Port
28 Townsend Comprehensive Plan.

29 ***Development Regulations***

30 **DR-8.15.1** When feasible, major highways and railroads shall be located away
31 from the shoreline.

32 **DR-8.15.2** Whenever possible, roads shall be located on natural benches,
33 ridge tops, or other areas where alteration of natural features such
34 as soils will be minimal.

Draft 5 – Clean Copy 12-21--05

- 1 **DR-8.15.3** Roads shall be located to avoid critical areas. Landfills for
2 transportation facility development are prohibited in water bodies,
3 wetlands, and on accretion beaches, except when all structural and
4 upland alternatives have been proven infeasible and the
5 transportation facilities are necessary to support uses consistent
6 with this program. Such landfill may be permitted as a Conditional
7 Use Permit and must comply with the provisions of *Section 9.6,*
8 *"Landfills."*
- 9 **DR-8.15.4** Roads and waterway crossings shall be prohibited within wetlands
10 or critical fish and wildlife conservation areas except when all
11 upland alternatives have been proven infeasible and the
12 transportation facilities are necessary to support uses consistent
13 with this program: When permitted, these facilities shall be:
- 14 a. The minimum width to accommodate the anticipated use.
 - 15 b. Designed so the integrity of the naturally occurring
16 geohydraulic process is maintained.
 - 17 c. Designed to provide minimal disturbance to banks.
- 18
- 19 **DR-8.15.5** Culverts, bridges and similar devices shall be designed to pass
20 water, sediment, and debris loads anticipated under appropriate
21 hydraulic analysis.
- 22 **DR-8.15.6** All roads and drainage systems shall be maintained to prevent
23 erosion and/or water quality degradation.
- 24 **DR-8.15.7** Mechanical apparatus, rather than chemicals, shall be used for
25 brush clearing maintenance wherever practicable.
- 26 **DR-8.15.8** Herbicides used for maintenance along roads and drainage systems
27 shall follow the performance standard outlined under "Chemical
28 Application" of the "Clearing, Grading and Vegetation
29 Management" subsection.
- 30 **DR-8.15.9** Road routes shall make provisions for pedestrian, bicycle, and
31 other non-motorized modes of travel whenever feasible.
- 32 **DR-8.15.10** In compliance with RCW 36.87.130 and RCW 35.79.030, the City
33 of Port Townsend shall not vacate a road or part thereof that abuts
34 on a body of salt or fresh water, unless the purpose of the vacation
35 is to enable any public authority to acquire the vacated property for
36 port purposes, boat moorage or launching sites, or for park, view
37 point, recreational, educational, or other public purposes, or unless

Draft 5 – Clean Copy 12-21--05

1 the property is zoned for industrial purposes. Further, such
2 vacation shall not be accomplished for any purpose that is not
3 consistent with this Master Program, and then only when all
4 appropriate federal, state, and local permits have been issued for
5 the intended use.

6 ***Ferry Terminals***

7 **DR-8.15.11** Limited food service may be allowed as an accessory use within the
8 waiting area of a publicly owned and operated ferry terminal. Said
9 facilities shall be limited in size to serve passengers and employees.

10 **8.16 Utilities (Primary)**

11 Utilities are services and facilities that produce, transmit, carry, store,
12 process, or dispose of electric power, water, sewage, communications, oil,
13 gas, stormwater, and the like. The provisions in this section apply to
14 primary use and activities such as sewage treatment plants, sewer lift
15 pumps, stormwater outfalls and fuel storage facilities. On-site utility
16 features serving a primary use, such as water, sewer or gas line to a
17 residence, are "accessory utilities" and shall be reviewed as appurtenances
18 to the primary use (in this example, the residential use).

19
20 Utilities are further described as major and minor to allow for a simplified
21 permit process for minor utility improvements. As used in this Master
22 Program, major utilities include substations, pump stations, treatment
23 plants, sanitary sewer outfalls, regional stormwater outfalls, electrical
24 transmission lines greater than 55,000 volts, water, sewer or storm
25 drainage mains greater than eight (8) inches in diameter, major recycling
26 facilities (as defined by the PTMC) gas and petroleum transmission lines,
27 and submarine telecommunications cables. Minor utilities include local
28 public water, electric, minor recycling facilities (as defined by the PTMC),
29 natural gas distribution, public sewer collection, cable and telephone
30 service and appurtenances.

31
32 Wireless facilities are described in the use table (Chapter 5) as macro,
33 mini, and micro consistent with the city's "Personal Wireless Service
34 Facilities" ordinance codified in Chapter 17 of the Port Townsend
35 Municipal Code.

36 ***Policies***

37 **Policy 8.16.1** Incorporate, to the extent feasible, major utility corridors on
38 shorelines into the city's programs and plans for public access to
39 and along water bodies.

Draft 5 – Clean Copy 12-21--05

- 1 **Policy 8.16.2** Prohibit solid waste disposal activities and facilities, other than
 2 minor recycling facilities as defined by the PTMC, in shoreline
 3 areas.
- 4 **Policy 8.16.3** Prohibit, utilities s in wetlands and other critical areas unless no
 5 other feasible alternative exists.
- 6 **Policy 8.16.4** Ensure that whenever utilities must be placed in a shoreline area,
 7 the location is chosen to:
- 8 a. Meet the needs of future populations in areas planned to
 9 accommodate this growth.
- 10 b. Utilize existing transportation and utility sites, rights-of-way
 11 and corridors, whenever possible. Joint use of rights-of-way
 12 and corridors should be encouraged.
- 13 c. Preserve scenic views and aesthetic qualities of the shoreline
 14 area.
- 15 d. Be located such that shoreline defense works will not be
 16 required for the life of the project.
- 17 e. Sewage treatment, water reclamation, desalinization, and
 18 power plants should be located where they do not interfere and
 19 are compatible with adjacent uses of the water and shore lands.
- 20 **Policy 8.16.5** Restore the land/substrate to its pre-project configuration upon
 21 completion of installation/maintenance of utilities in shorelines,
 22 Disturbed areas should be replanted with native species, and be
 23 provided with irrigation and maintenance care until the newly
 24 planted vegetation is established.

25 ***Development Regulations***

26 ***General***

- 27
- 28 **DR-8.16.1** Utility development shall, through coordination with local
 29 government agencies, provide for compatible, multiple uses of
 30 sites and rights-of-way.
- 31 **DR-8.16.2** Utilities shall be designed and installed to meet future needs when
 32 possible.
- 33 **DR-8.16.3** Personal wireless facilities shall comply with the city’s “Personal
 34 Wireless Service Facilities” ordinance codified in Chapter 17 of
 35 the Port Townsend Municipal Code.

Draft 5 – Clean Copy 12-21--05

1 **Uses**

2 **DR-8.16.4** The following utilities are prohibited within the shoreline
3 jurisdiction:

- 4 a. Solid waste disposal and transfer facilities, other than minor
5 recycling facilities as defined by the PTMC
- 6 b. All underwater pipelines transporting liquids intrinsically
7 harmful to aquatic life or potentially injurious to water
8 quality are prohibited, unless no other alternative exists. In
9 those instances where no other alternative exists, the use
10 may be permitted as a conditional use. However, automatic
11 shut-off valves shall be provided on both sides of the water
12 body.
- 13 c. Fuel storage facilities (excepting fuel storage that is
14 accessory to a permitted use).

15 **DR-8.16.5** Minor utilities are allowed as a permitted use provided that, within
16 the Natural and Conservancy designations, it has been determined
17 that no other feasible alternative exists

18 **DR-8.16.6** Upgrades to existing major utilities are permitted.

19 **DR-8.16.7** The following new major utility facilities may be permitted as a
20 conditional use if it can be shown that no reasonable alternative
21 exists.

- 22 a. Electrical energy generating plants, substations, and
23 transmission lines greater than 55,000 volts;
- 24 b. Petroleum and gas pipelines;
- 25 c. Sanitary sewer outfalls;
- 26 d. Sewage system mains, interceptors, pump stations, and
27 treatment plants;
- 28 e. Storm drainage mains and regional outfalls;
- 29 f. Submarine telecommunications cables; and
- 30 g. Water system treatment plants.

31 **Applications**

32 **DR-8.16.8** Applications for the installation of major utility facilities shall
33 include the following:

Draft 5 – Clean Copy 12-21--05

- 1 a. Description of the proposed facilities;
- 2 b. Reasons why the utility facility requires a shoreline
- 3 location;
- 4 c. Alternative locations considered and reasons for their
- 5 elimination;
- 6 d. Location of other utility facilities in the vicinity of the
- 7 proposed project and any plans to include the other types of
- 8 utilities in the project;
- 9 e. Plans for reclamation of areas disturbed both during
- 10 construction and following decommissioning and/or
- 11 completion of the useful life of the utility;
- 12 f. Plans for control of erosion and turbidity during
- 13 construction and operation; and
- 14 g. Identification of any possibility for locating the proposed
- 15 facility at another existing utility facility site or within an
- 16 existing utility right-of-way.

17 ***Location***

18 **DR-8.16.9** Utilities shall be located adjacent to or within existing utility or
19 circulation easements or rights-of-way whenever feasible. Joint
20 use of rights-of-way and corridors is encouraged.

21 **DR-8.16.10** Sewage treatment, water reclamation, desalinization, and power
22 plants shall be located to minimize interference with adjacent uses
23 of the water and shore lands.

24 ***Public Access***

25 **DR-8.16.11** When feasible, utility development shall include public access to
26 the shoreline, trail systems, and other forms of recreation,
27 providing such uses will not unduly interfere with utility
28 operations, endanger the public health, safety, and welfare, or
29 create a significant and disproportionate liability for the owner.
30 Public access easements shall be a minimum of twenty-five (25)
31 feet in width and shall comply with the public access standards
32 contained in this Master Program (see *Chapter __, "Public*
33 *Access"*).

34 ***Environmental Protection***

35 In *addition* to the *General Environmental Policies* of Chapter 6,
36 utilities shall comply with the following standards:

Draft 5 – Clean Copy 12-21--05

- 1 **DR-8.16.12** Utilities shall be located, designed, constructed, and operated so as
2 to assure no net loss of shoreline ecological functions, preserve the
3 natural landscape, and minimize conflicts with present and planned
4 land and shoreline uses.
- 5 **DR-8.16.13** To protect aesthetic qualities of the shoreline, new utility lines
6 including electricity, communications, and fuel lines shall be
7 located *underground*, except where the presence of bedrock or
8 other obstructions make such placement infeasible.
- 9 **DR-8.16.14** Utility developments shall be located and designated so as to
10 avoid, to the extent practicable, the need for any structural or
11 artificial shoreline modification works for the life of the project.
- 12 **DR-8.16.15** Utilities located in flood prone areas shall be provided with
13 adequate flood protection and shall not be installed to increase
14 flood hazard or other damage to life or property.
- 15 **DR-8.16.16** Underwater construction of utilities or construction in adjacent
16 wetlands shall be timed to avoid fish and wildlife migratory and
17 spawning periods.
- 18 **DR-8.16.17** Installation of utilities shall assure the prevention of siltation or
19 beach erosion.
- 20 **DR-8.16.18** Upon completion of installation/maintenance of utilities in
21 shorelines, the land/substrate shall be restored to its pre-project
22 configuration, replanted with native species, and be provided with
23 maintenance care until the newly planted vegetation is established.

Draft 5 – Clean Copy 12-21--05