SHORELINE MASTER PROGRAM
2013

CITY OF PORT ORCHARD

CITY OF PORT ORCHARD
ADOPTED BY ORDINANCE 005-13
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CHAPTER 1: INTRODUCTION

1.1 Purpose and Intent of the Shoreline Management Act

Washington's Shoreline Management Act (SMA) (Chapter 90.58 RCW, the Shoreline Management Act of 1971) was passed by the State Legislature in 1971 and adopted by the public in a referendum. The Act was created in response to a growing concern among residents of the state that serious and permanent damage was being to shorelines by unplanned and uncoordinated development. The goal of the Act was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the Act is also intended to provide for appropriate shoreline growth by encouraging land uses that enhance and conserve shoreline function and values.

The State shoreline guidelines (WAC 173-26), updated and adopted in 2003, emphasize the protection and restoration of shoreline natural resources, and give specific guidance to local jurisdictions The guidelines refer to the protection of shoreline ecological processes (such as hydrology and sediment transport) and shoreline ecological functions (provided by water quality, vegetation, and habitat). A major concept in the protection of ecological functions is termed "no net loss."

The Washington Shoreline Management Act (SMA) has three broad policies:

- **Promote preferred shoreline uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines…"

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

- **Protect shoreline natural resources:** This includes "…the land and its vegetation and wildlife, and the water of the state and their aquatic life…"

In establishing preferred uses of the state's shorelines, the SMA defines "water-dependent," "water-related," and water-enjoyment" uses. These terms are officially defined in Chapter 13 of the SMP. General descriptions and example are included below.

- **Water-dependent use** means a use that requires direct access to the water to accomplish its primary function. It is a use, or a portion of a use, which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of the operation. Example: marina, ferry terminal, boat launch.

- **Water-related use** means a uses that does not require direct access to the water, but provides goods or services associated with water dependent uses. A uses or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location. Example: boat repair, kayak rentals.

- **Water-enjoyment use** means a use that does not require access to the water, but is enhanced by a waterfront location. This includes uses that facilitate public access to the shoreline as a primary characteristic of the use; or uses that provide for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people. The use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Example: Restaurants, parks.

- **Water-oriented use** means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

1.2 Purpose and Intent of the Shoreline Master Program

The primary purpose of the Act is to provide for the management and protection of the State's shoreline resources by planning for reasonable and appropriate uses. The law provides a two-tier planning and regulatory program by the state and local government. By law, the City is responsible for the following:

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

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

Further, the purposes of this Master Program are;

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

- To promote uses and development of the Port Orchard shoreline consistent with the City of Port Orchard Comprehensive Plan while protecting and restoring environmental resources.

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

1.3 Authority

Authority for enactment and administration of the Shoreline Master Program is the Shoreline Management Act of 1971, RCW 90.58, Washington's Shoreline Management Act, RCW 90.58, was adopted in 1972. The purpose of the Act is to "prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." It has three broad policies: encourage water-dependent uses on the shoreline; protect shoreline natural resources; and, promote public access. The Act establishes the concepts of *preferred uses* and *priority uses* in shoreline areas. RCW 90.58.020 indicates that *preferred" uses* are those "which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines." This section further states that *priority uses* include single family residences, ports,

shoreline recreational uses, water dependent industrial and commercial developments and other developments that provide opportunities for the public to access the shoreline environment. To the maximum extent possible, the shorelines should be reserved for "water-oriented" uses, including "water-dependent", "water-related" and "water-enjoyment" uses, as defined in the Act.

The overarching policy is that "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.
RCW 90.58.020 and .100 provide goal and policy direction for the SMP, including:

- Protect the natural character and the resources and ecology of the shoreline;
- Increase public access and recreational opportunities;
- Mitigate and restore for habitat impacts to ensure no net loss of habitat function;
- Maintain the public right of navigation;
- Prioritize water-dependent and single-family residential uses and development;
- Coordinate shoreline management with other relevant local, state and federal regulations;
- Prevent and minimize flood damage;
- Protect private property rights;
- Protect and restore sites with historic, cultural or educational value.

1.4 Public Trust Doctrine

The Shoreline Management Act also implements the common law Public Trust Doctrine. The Public Trust Doctrine is a legal principle derived from English Common Law. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust remains relevant even when the underlying land is in private ownership. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable water bodies below the ordinary high water mark.

1.5 Governing Principles and Legislative Findings

In the Shoreline Management Act of 1971, RCW 90.58.020, the legislature found the following:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shoreline 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; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned,

rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the 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 insure 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 protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

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

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the 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 which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. 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 and their appurtenant structures, ports, shoreline recreation uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on 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. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

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 any interference with the public's use of the water.

1.6 References to Plans, Regulations, or Information Sources

While the Shoreline Master Program is designed to be a stand-alone document, many other documents were referenced in the creation of this document.

A. **1973 Shoreline Master Program (Amended in 1994).** This SMP was originally adopted as Kitsap County's shoreline document. Port Orchard adopted it by reference. Changes were made in 1992, and again in 1994 that made it more specific to Port Orchard's shoreline.

B. **Critical Areas Ordinance.** The City of Port Orchard POMC 18 (Ordinance 030-09, adopted December 8, 2009) provides rules, setbacks, mitigation and other regulations for geologically hazardous areas, wetlands, streams, etc. Shorelines were addressed in this update, but this Master Program overrides the regulations within shoreline jurisdiction.

C. **2008 Comprehensive Plan.** The 2008 Comprehensive Plan, (Ordinance 042-08, adopted December 9, 2008) lays out a vision for the future of the City, including land use, zoning, and parks needs.

D. **Blackjack Creek Comprehensive Management Plan, 1987.** The Blackjack Creek Comprehensive Management Plan lays out a vision for the management and conservation of the Blackjack Creek corridor, and was utilized heavily in the creation of the Inventory and Characterization, which was part of the Shoreline Master Program update.

1.7 Severability

The Act and this Program, as adopted and amended, comprise the basic state and municipal law regulating use of shorelines in Port Orchard. In the event provisions of the Program conflict with other applicable city policies or regulations, the more restrictive shall apply. Should any section or provision of this Program be declared invalid, such decision shall not affect the validity of the Program as a whole.

1.8 Effective Date

This Program and all amendments thereto shall become effective immediately upon final approval and adoption by the Department of Ecology. Ecology approval was effective March 28, 2013.

CHAPTER 2: SCOPE AND SHORELINE JURISDICTION

2.1 Applicability

Concepts and terms related to the City's shoreline jurisdiction are specific to those described in RCW 90.58.030, WAC 173-26-020, WAC 173-27-030, and WAC 173-22-030.

Under the SMA, the shoreline jurisdiction includes all water areas of the state, the lands underlying them, and areas that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as "shorelines of statewide significance" or "shorelines of the state." These designations we established in 1971, and are described in RCW 90.58.030. Generally, "shorelines of statewide significance" include portions of Puget Sound and other marine waterbodies, rivers west of the Cascade Mountains that have a mean annual flow of 1,000 cubic feet per second (cfs) or greater, rivers east of the Cascade Range that have a mean annual flow of 200 cfs or greater, and freshwater lakes with a surface area of 1,000 acres or more. "Shorelines of the state" are generally described as all marine shorelines and shorelines of all streams or rivers having a mean annual flow of 20 cfs or greater and lakes with a surface area greater than 20 acres.

The City of Port Orchard and its associated urban growth area (UGA) contains marine shoreline, one stream, and two lakes that meet the criteria for shoreline jurisdiction.

Any person or party wishing to undertake activities constituting "development" (defined in Chapter 13) within shoreline jurisdiction must conform to the Shoreline Management Act and this Master Program. All uses, even those not meeting the definition of development, are subject to the provisions and development regulations of this SMP, even if a permit is not required.

This Master Program shall apply to every individual , firm, partnership, association, organization, corporation, local, state or federal governmental agency, public or municipal corporation, or any other entity which develops, owns, leases, or administers lands, wetlands or waters that fall under the jurisdiction of the Shoreline Management Act.

The City shall regulate development within the shoreline jurisdiction under its general authority to regulate for the general health, safety, and welfare and its specific authority under the SMA. All uses within shoreline jurisdiction must be consistent with the policies and regulations of the Port Orchard SMP regardless of whether they require development or not. Furthermore, Shoreline Conditional Use and/or variance permits may still be required, even if a development activity is exempt from a shoreline substantial development permit. An exemption from a Shoreline Substantial Development Permit does not constitute an exemption from the policies and regulations of the Shoreline Management Act, this Master Program, or any other applicable city, state, or federal permit requirements.

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

2.2 Port Orchard Shoreline Jurisdiction

Shorelines within the city of Port Orchard include those portions of Puget Sound lying within the city limits and all lands extending landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark together with any associated wetlands, river deltas, and floodways associated with tidal waters that are subject to the provision of this chapter and whose locations have been designated by the Department of Ecology.

The City also contains shorelines of statewide significance (SSWS). These SSWS are the marine shorelines from extreme low tide to the middle of Sinclair Inlet, which are adjacent to unincorporated Kitsap County and the City of Bremerton limits. In accordance with the State Shoreline Management Act, the uses of SSWS are in the following order of preference:

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

2) Preserve the natural character of the shoreline;

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

4) Protect the resources and ecology of the shoreline;

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

6) Increase recreational opportunities for the public in the shoreline;

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

Additionally, Port Orchard shorelines also include Washington Department of Natural Resources Harbor Areas that are reserved for Commerce and Navigation.

In addition to the marine shorelines described above, the City contains one creek, Blackjack Creek, which meets the threshold of a shoreline of the state. According to information provided by the Kitsap Public Utilities District, which has a stream flow gauge in Blackjack Creek just downstream of the confluence of Ruby Creek, the average discharge for the years 2006 to 2009 was 18 cfs. To make an even breaking point for shoreline jurisdiction the confluence with the unnamed stream that merges underneath State Route 16 was selected as the end of shoreline jurisdiction for Blackjack Creek. The estuarine portion of Ross Creek is also a regulated shoreline of the state.

Due to recent annexations, the City also has portions of two lakes that qualify as shorelines of the state. Big Lake, in the extreme southwest portion of the City, is approximately 22 acres, with four of those acres within City limits. Square Lake is approximately 30 acres, with ten acres within city limits.

Associated wetlands, deltas and floodways that are included in the shoreline jurisdiction are those that influence or are influenced by the regulated waters of Puget Sound. In general, a wetland is "associated" if all or a portion of the wetland falls within that area that is 200 feet from the OHWM. A wetland outside of this area may also be associated if it is in proximity to the shoreline and there is a

demonstrated influence between the wetland and the shoreline. Such influence can include hydraulic continuity, such as surface or groundwater connection.

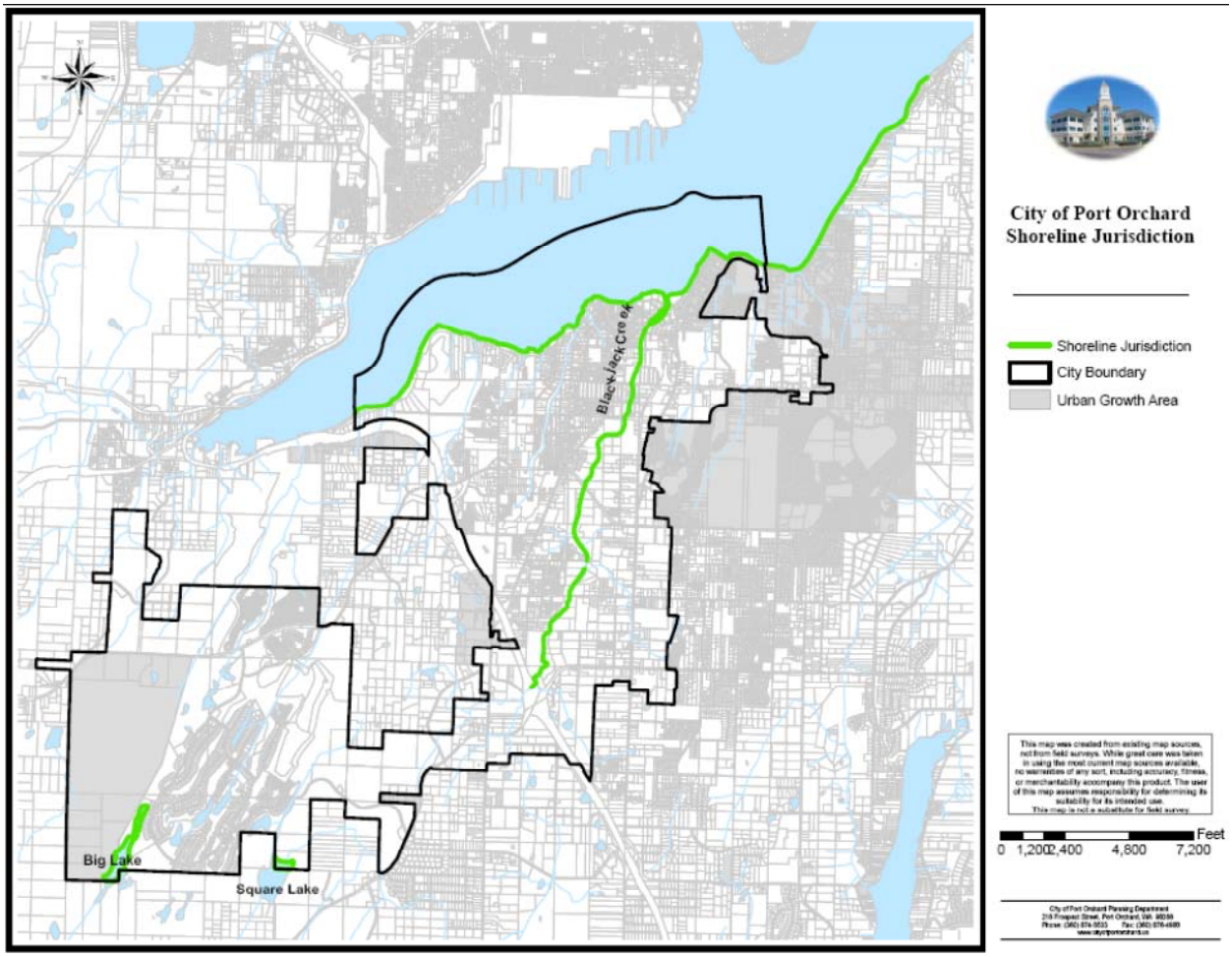


Figure 2.1 – City of Port Orchard Shoreline Jurisdiction

2.3 Relationship to Other Plans and Regulations

Uses and developments regulated by this Program may also be subject to other provisions of the Port Orchard Municipal Code (POMC), the City of Port Orchard Comprehensive Plan, the Washington State Environmental Policy Act (SEPA – RCW 41.21C and WAC 197-11), and other local, state and federal laws. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development or activity. Where this Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply. In the event this Program conflicts with other applicable County policies or regulations, all regulations shall apply and unless otherwise state, the more restrictive provisions shall apply.

The Port Orchard SMP refers to the City's Comprehensive Plan, Zoning Code, Critical Areas Ordinance and other development plans and ordinances for which the SMP has relevance. Development within shoreline jurisdiction must also comply with zoning requirements, any special overlay districts, and the view protection overlay district as outlined in POMC 16. In case of conflict between the land use regulatory requirements and the SMP, the stricter requirement applies.

POMC Title 18 contains regulations for critical areas within the City, including shorelines. Once the Shoreline Master Program is adopted, the City's critical areas regulations will no longer apply to property located within the jurisdiction governed by this program.

CHAPTER 3: SHORELINE INVENTORY SUMMARY

3.1 Introduction

The City of Port Orchard completed its Shoreline Inventory and Characterization Report in July of 2010. The purpose was to describe existing conditions along the Port Orchard shoreline to allow development of goals, policies, and regulations for the Shoreline Master Program. That document, and reference documents included in the Appendix, provide a comprehensive analysis of ecological health and the built environment along Port Orchard's shorelines, and serves as a baseline for measuring no net loss of shoreline ecological functions.

The following are the documents that contain the most information about Port Orchard's shorelines and were relied upon to prepare the Inventory and Characterization Report.

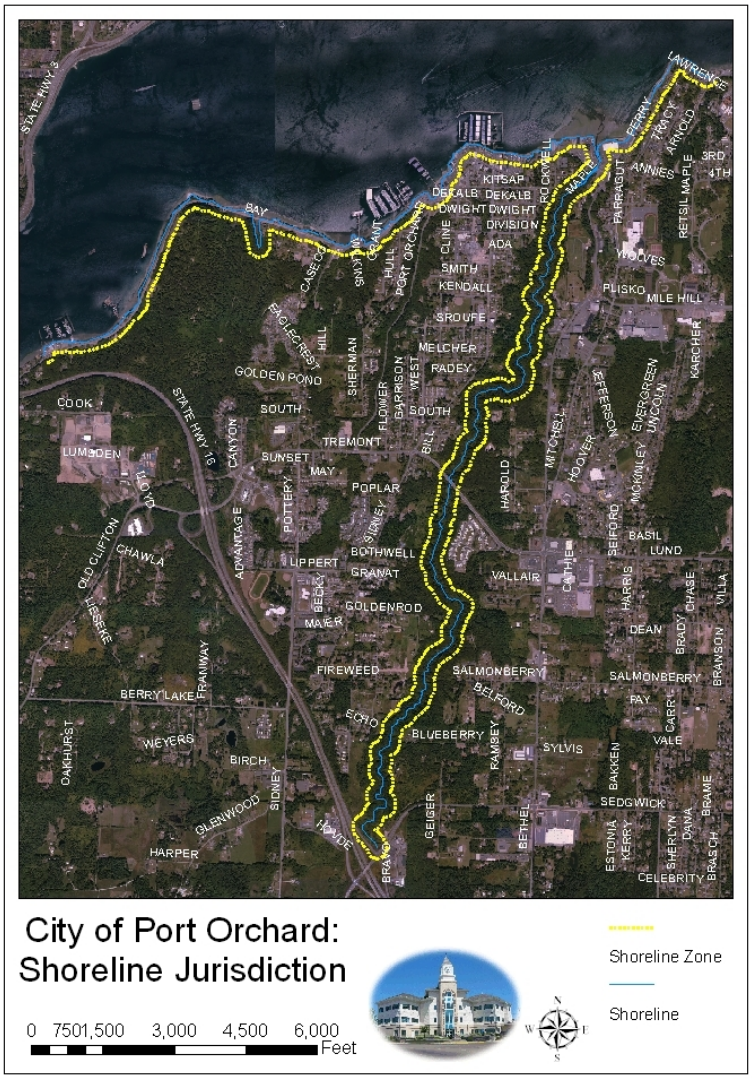
- *City of Port Orchard Comprehensive Plan* (City of Port Orchard, 2008)
- *East Kitsap County Nearshore Habitat Assessment and Restoration Prioritization Framework* Batelle Marine Sciences Laboratory, 2009)
- *City of Port Orchard Shoreline Resource Analysis and Inventory* (Applied Environmental Sciences, 2003)
- *Blackjack Creek Comprehensive Management Plan for the City of Port Orchard* (FishPro, 1989)

Additionally, a list of other data sources are cited in Appendix F of the Shoreline Inventory and Characterization Report, which is available online at www.cityofportorchard.us or at City Hall.

3.2 Study Area

According to the Shoreline Management Act, found in WAC 173-26, and RCW 90.58, local jurisdictions must create a Shoreline Master Program (SMP) for any "shoreline of the state." These shorelines are generally described as all marine shorelines and shorelines of all other streams or rivers having a mean annual flow of 20 cfs (cubic feet per second) or greater and lakes with a surface area greater than 20 acres.

Within City limits, there are just over three miles of Puget Sound shoreline, over two miles of Blackjack Creek shoreline, and portions of Big Lake and Square Lake, which are over 20 acres. Additionally, in the Urban Growth Area (UGA), there are nearly three miles of Puget Sound shoreline, portions of Blackjack Creek, and a portion of the west side of Big Lake.



3.3 Summary of Findings

3.3.1 Sinclair Inlet Shoreline

In the Inventory and Characterization document, the Sinclair Inlet shoreline was broken into eight segments. Segments 1 through 7 were within City limits, and Segment 8 was the UGA portion of the shoreline.

The Sinclair Inlet shoreline is highly urbanized and physically altered, with approximately 89 percent of the shoreline being armored. There are also State highways, City Streets, and County roads along the entire length of the shoreline, with bridges or culverts constraining the streams that run to the Inlet. Much of the road bed areas, and most development waterward of the roads were built on fill and are protected by various types of shoreline armoring. Native vegetation has been removed from much of the Sinclair Inlet shoreline as well.

Despite the altered state of the Sinclair Inlet shoreline, it is home to bald eagle perches, blue herons, and other shoreline birds. In addition, Sinclair Inlet has been designated as a nearshore refugia that includes portions of the shoreline. The refugia provides migration, foraging and rearing habitat for multiple salmonid species and other marine wildlife. The nearshore conditions also provide suitable spawning habitat for surf smelt and Pacific sand lance.

3.3.2 Blackjack Creek Shoreline

Unlike the Sinclair Inlet shoreline, the majority of the Blackjack Creek shoreline is relatively intact. The mouth of the Creek, which is also covered in Segment 7 of the Inventory and Characterization report, has been highly altered with shoreline armoring, paving, and channelization. However, just upstream, the Blackjack Creek corridor becomes nearly a wilderness area, with natural vegetation, wildlife corridors, and a healthy salmon stream.

In the Inventory and Characterization, Blackjack Creek was broken up into four segments, along lines determined in the Blackjack Creek Comprehensive Management Plan. Segment S1 is the most urbanized and altered from its natural state.

Blackjack Creek contains important habitat for several salmonid species. Fish use in the creek includes large numbers of early chum salmon, including an early-returning stock that the Washington State Department of Fish and Wildlife considers to be rare. In addition, the creek supports significant numbers of late returning chum, coho salmon, and steelhead, searun cutthroat trout, and resident cutthroat. There has also been documented use of Blackjack Creek by fall Chinook salmon.

The topography of the Blackjack Creek ravine has been a major factor in protecting the vegetation and resources of the Creek. It is extremely steep for the majority of the regulated area, and although it had been logged in the past, it has remained relatively untouched for several decades.

3.3.3 Lakes Shorelines

Due to the annexation of McCormick Woods, the City gained parts of two lakes that are big enough to qualify as a shoreline of the state, and must be included in the SMP. Square and Big Lakes are both less than 30 acres, and both share shoreline jurisdiction with Kitsap County. Neither of them are located entirely in the City.

3.3.3.1 Square Lake

Approximately ten acres of Square Lake are located within the City of Port Orchard. The other twenty are entirely within Kitsap County jurisdiction, and are not within the UGA. There is just one property owner in the City within Square Lake jurisdiction, and the property is undeveloped.

The area around Square Lake had been historically logged, but mature forests are present , and lack of human activity (there are only two houses that touch the lake, and the rest is State Park), allow for high vegetation function.

3.3.3.2 Big Lake

Big Lake (also known as Big Pond) lies in a shallow depression west of the McCormick Woods housing development. The lake is very shallow, and is long and narrow, heading from the northeast to the southwest, and lies within City limits for four of its 22 acres. The remaining area lies within the South Kitsap UGA and unincorporated Kitsap County. There are two property owners within City shoreline jurisdiction, one of them being the McCormick Woods Homeowners Association, which maintains trails near the lake and its associated wetlands.

Big Lake is inaccessible by car or public transportation, and public access is limited to bikes and walkers who are homeowners (or guests of homeowners) in the McCormick Woods housing development.

CHAPTER 4: SHORELINE ENVIRONMENTS

Shoreline environment designations are required by WAC 173-26-211, and are intended to serve as a tool for applying the statewide policies to local shorelines. Environment designations are assigned to reflect the type of development that has taken place over time, as well as development, or the lack of it, that should take place in the future in order to preserve ecological function.

4.1 Applicability

The City of Port Orchard classification system consists of five shoreline environments that are contained in the recommended classification system identified in WAC 173-26-211(5). The State's Shoreline Master Program Guidelines describe the purpose of environment designations in WAC 173-26-191(1(d)).

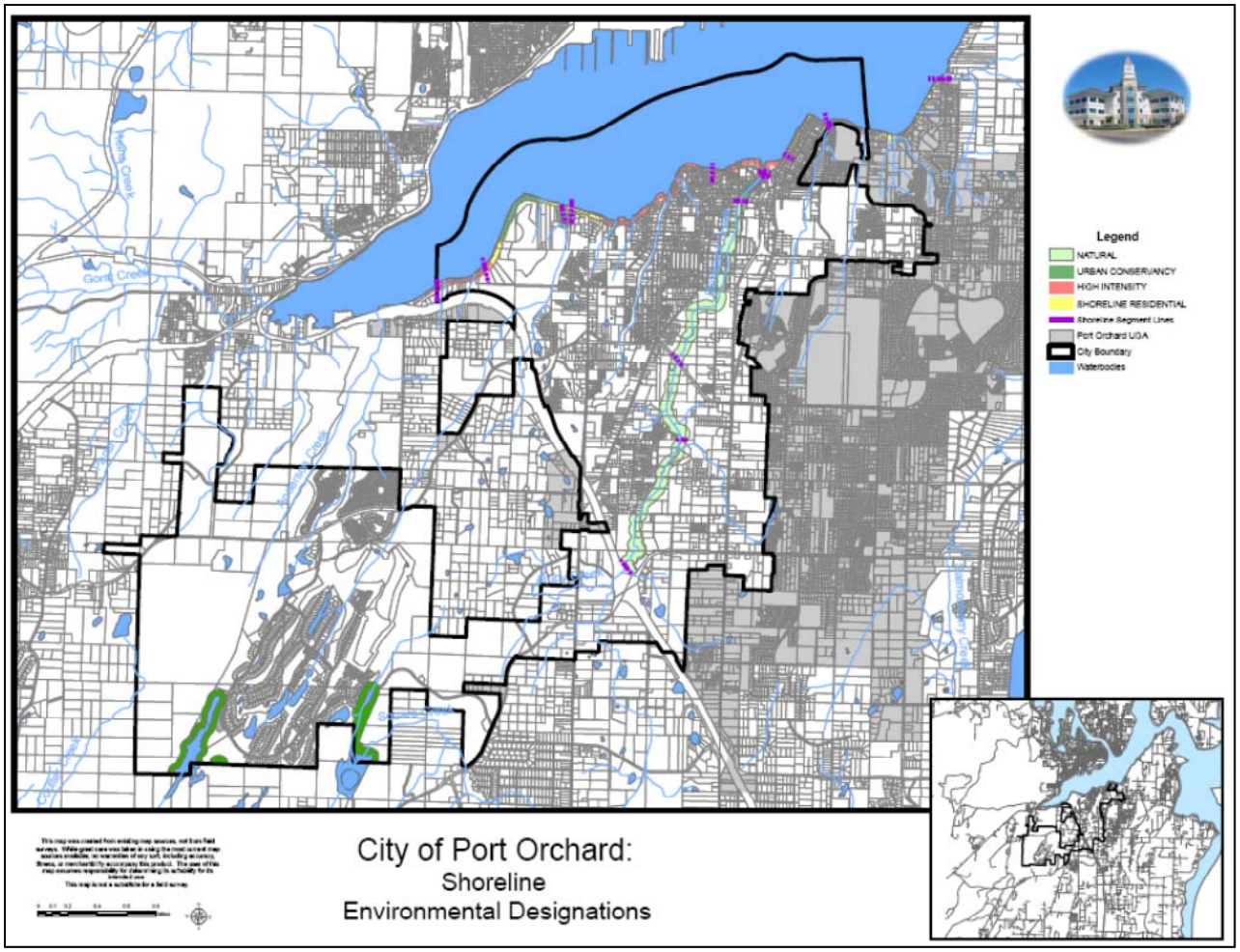
Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the Shoreline Master Program prescribe different sets of environmental protection measures, allowable use provisions, and development regulations for each shoreline segment. Assigning shoreline designations, each with different policies and regulatory measures, provides a regulatory framework for environmental protection and development depending on the development and resources present in specific areas.

The Port Orchard classification system consists of five shoreline environment designations consistent with the SMA (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26), and the City of Port Orchard Comprehensive Plan. The five shoreline environments are:

- High-Intensity
- Shoreline Residential
- Urban Conservancy
- Natural
- Aquatic

4.2 Official Shoreline Map

The official Shoreline Environment Designation maps can be found in Appendix A. Pursuant to RCW 90.58.040, the maps illustrate the shoreline environment designations that apply to all shorelines of the state within the City of Port Orchard's jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases or development proposals based on the location of the ordinary high water mark (OHWM), floodway, and the presence of associated wetlands. In the event of a mapping error, the City will rely upon the boundary descriptions and the criteria in the sections below.



Overview of Shoreline Designations from Appendix A

4.3 High-Intensity Environment

4.3.1 Purpose

The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions.

4.3.2 Management policies.

a) First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.

b) Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "high-intensity." However, consideration should be given to the potential for displacement of non-water oriented uses with water oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

c) Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where feasible, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

d) Visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).

e) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

4.3.3 Designation Criteria

A "high-intensity" environment designation will be assigned to shoreline areas within City limits, as described by RCW 36.70A.070 if they currently support high-intensity uses related to commerce, transportation or navigation, mixed-use or multi-family residential; or are suitable and planned for high-intensity water-oriented uses.

4.4 Shoreline Residential Environment

4.4.1 Purpose

The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. A secondary purpose is to provide appropriate public access and recreational uses.

4.4.2 Management policies

a) Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, and the level of infrastructure and services available.

b) Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

c) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

d) Commercial development should be limited to water-oriented uses, home professions, or home occupations as described in POMC 16.38, and as allowed by the underlying zoning district.

4.4.3 Designation Criteria

A "shoreline residential" environment designation is assigned to shoreline areas inside city limits or the South Kitsap urban growth area, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

4.5 Urban Conservancy Environment

4.5.1 Purpose.

The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. It should be applied to those areas where most benefit the public if their existing character is maintained, but can also tolerate limited development.

4.5.2 Management policies.

(a) Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
(b) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation. These standards should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
(c) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
(d) Water-oriented uses should be given priority over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

4.5.3 Designation Criteria

An "urban conservancy" environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses, if any of the following characteristics apply:
(a) They are suitable for water-related or water-enjoyment uses;
(b) They are open space, flood plain or other sensitive areas that should not be more intensively developed;
(c) They have potential for ecological restoration;
(d) They retain important ecological functions, even though partially developed; or
(e) They have the potential for development that is compatible with ecological restoration.

Any shorelines that have been left undesignated shall be assigned an Urban Conservancy designation per WAC 173-26-211(2)(e).

4.6 Natural Environment

4.6.1 Purpose

The purpose of the “natural” environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation local jurisdictions should include planning for restoration of degraded shorelines within this environment.

4.6.2 Management policies

Any use that would substantially degrade the ecological functions or natural character of the shoreline should not be allowed.
The following new uses should not be allowed in the “natural” environment:
a) Commercial Uses
b) Industrial uses
c) High-intensity recreational uses
d) Roads, utility corridors, and parking areas that can be located outside of “natural”-designated shorelines.

e) Single-family residential development may be allowed as a conditional use within the "natural" environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.
f) Commercial forestry may be allowed as a conditional use in the "natural" environment provided it meets the conditions of the State Forest Practices Act and the City of Port Orchard Critical Areas Ordinance (POMC Chapter 18) and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.
g) Agricultural uses of a very low intensity nature may be consistent with the Natural Environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
h) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
i) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

4.6.3 Designation Criteria.

A "natural" environment designation is assigned to most of the Blackjack Creek shoreline, within City limits, but outside of the downtown area. It is also assigned to Blackjack Creek within the South Kitsap Urban Growth Area. Areas assigned the "natural" designation contain the following characteristics:
a) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
b) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
c) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
d) Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. Shorelines inside or outside urban growth areas may be designated as "natural."

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of the natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

4.7 Aquatic Environment

4.7.1 Purpose.

The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

4.7.2 Management policies.

(A) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

(B) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
(C) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
(D) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
(E) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
(F) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

4.7.3 Designation Criteria

An "aquatic" environment designation is assigned to lands waterward of the ordinary high-water mark.

CHAPTER 5: MASTER PROGRAM GOALS

5.1 Introduction

The City of Port Orchard is required to address master program elements, as listed in RCW 98.58.100(2). The Master goal for the shorelines is as follows:

To plan for shoreline uses that enhance, promote, and protect the balance between the sensitive ecology of Port Orchard's shoreline and its urban development.

5.2 Economic Development

To encourage economic development that is sensitive to the shoreline environment, is water-related or dependent, and benefits the community. Enhance Port Orchard's appeal as a boating destination for commercial and pleasure vessels while supporting and encouraging maritime businesses, boatyards, and boat repair facilities, recognizing that Port Orchard is one of few remaining places for boat repair on the west side of Puget Sound.

5.3 Public Access

Enhance public access to City shorelines and preserve views of the shoreline and water, while maintaining safety and respect for adjacent private property. Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

5.4 Recreation

Improve and maintain the publicly owned shorelines dedicated to public recreation and develop their potential for visitors and citizens while recognizing the importance of existing park, trail and recreation areas. Ensure that water-oriented recreational uses are permitted in the shoreline area when consistent with the goals, policies and regulations of this SMP.

5.5 Transportation

To achieve safe, convenient, and diversified circulation systems to provide public access to the shoreline, efficient movement of people and goods, with minimum disruption to the shoreline environment and minimum conflict among shoreline uses and between shoreline users and abutting upland areas, while maintaining vital shoreline rod and ferry links.

5.6 Shoreline Use

Coordinate the regulation for a variety of shoreline uses which result in long-term rather than short-term benefits.

5.7 Conservation

Preserve, protect, and restore shoreline vegetation and wetlands, as practical, to optimize the support of wild, botanic, and aquatic life, as it exists today, with the goal of achieving no net loss of ecological function

5.8 Historic, Cultural, Scientific, and Educational

Prevent the destruction or damage of any site having historic, cultural, scientific , or educational value, as identified by the appropriate authorities, including the State Office of Archaeology and Historic Preservation and affected tribes.

5.9 Flood Control

To protect public and private infrastructure and property from loss and damage created by flood events.

CHAPTER 6 - GENERAL SHORELINE MASTER PROGRAM POLICIES & REGULATIONS

Development and use proposals may involve a number of uses and shoreline modifications and must comply with the policies and regulations for each. Each project is reviewed for compliance with the applicable "use" policies and regulations in this Chapter and with the applicable policies and regulations in the applicable Chapters of this Master Program. For example, uses associated with a new marina may include boat launches, industrial and port facilities, parking facilities, and recreational facilities. Construction of a marina may involve numerous shoreline modifications, including dredging, dredge spoil disposal, a jetty or breakwater, and perhaps landfill. All shoreline developments and uses must comply with the policies and standards of this Master Program whether or not a shoreline substantial development permit is required

The general policies are to be generally applied to all shoreline areas, without regard to environment designation. The provisions are established in WAC 173-26-221. The policies incorporate much of the existing Shoreline Master Program content, as well as significant incorporation of the "principles" sections that are listed in the WAC.

Specific conditions that ensure such compliance may be attached as a condition of permit approval. Shoreline uses specifically listed are permitted outright or eligible for consideration as a shoreline variance or shoreline conditional use permit. However, if the use is permitted, deviations from the minimum performance standards may be approved under a shoreline variance unless specifically stated otherwise. The performance standards contained herein augment standards established through other land development regulations. Where conflict arises between these and other applicable controls, the regulations that provide more protection to the shoreline area shall apply. All provisions of this Shoreline Master Program are enforceable provided no reasonable alternative exist, or when the alternative would result in unreasonable and disproportionate cost to the landowner.

6.1 Applicability

The provisions in this chapter shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

6.2 Archaeological and Historical Resources

The following provisions apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have been inadvertently uncovered.

Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44.055 and RCW 27.56 and development or uses that may impact such sites shall comply with WAC 25-48.

Management Policies

> ***SMP-GP-1*** *Prevent the destruction or damage of any site having historic, cultural, scientific, or educational value, as identified by the appropriate authorities, including the state office of Archaeology and Historic Preservation and the Suquamish Tribe.*

Development Regulations

> ***G-DR 1*** *Developers and property owners must immediately stop excavation work in the immediate vicinity and notify the local government, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.*
>
> ***G-DR 2*** *Permits issued in areas with a high probability for unrecorded archaeological resources or that are documented to contain archaeological resources may require a site inspection or evaluation by a professional archaeologist in consultation with the Washington State Department of Archaeology and Historic Preservation and the Suquamish Tribe.*

6.3 Critical Areas

The shorelines in the City of Port Orchard, and the associated Urban Growth Area, are largely developed. Within shoreline jurisdiction there are many other types of critical areas that have been identified to be protected. All critical areas, including marine shorelines, have been provided with the adoption of Port Orchard Municipal Code Title 18 and 2009 update of the Port Orchard Critical Areas Ordinances. With the implementation of the critical areas policies listed below, the Port Orchard Shoreline Master Program does provide for management of critical areas, can be implemented, and is consistent with RCW 90.58.090(4) and WAC 173-26-221.

a. Wetlands

Management Policies

> ***SMP-GP-2*** Exhibit, at a minimum, no net loss of wetland area and function for wetlands associated with the shoreline and with Blackjack Creek and the Ross Creek estuary.
> ***SMP-GP-3*** Grading, filling, draining, flooding, dredging, or mining within regulated wetland areas, including those associated with Blackjack Creek and the Ross Creek estuary,should be prohibited.

Development Regulations

> ***G-DR 3*** *All development proposals on lands containing wetlands within shoreline jurisdiction shall follow all regulations set forth in Appendix B.*

b. Geologically Hazardous Areas

Management Policies

SMP-GP-4 New development or the creation of new lots that would cause reasonably foreseeable risk to people or improvements over the life of the development should be prohibited.
SMP-GP-5 Development that would require structural shoreline stabilization over the life of the development should be prohibited in accordance with WAC 173-26-221 (2(c)).
SMP-GP-6 Structural shoreline stabilization measures will be allowed to protect existing primary residential structures and properties in conformance with WAC 173-26-221(ii).

Development Regulations

G-DR 4 All development proposals on land containing geologically hazardous areas within shoreline jurisdiction shall follow all regulations set forth in Port Orchard Municipal Code Title 18.08, Ordinance 030-09 (12/8/2009).

c. Critical Saltwater Habitats

Critical saltwater habitats provide important ecological functions, and therefore require a higher level of protection. While Sinclair Inlet does not have known kelp or eelgrass beds, it does have spawning and holding areas for forage fish such as smelt and sandlance, as well as migratory routes for salmon.

Management Policies

SMP-GP-7 Development within areas identified as critical saltwater habitats for anadromous fish habitat, or eagle use and buffer, shall comply with all state and federal regulations for protection of listed species and their habitats.

SMP-GP-8 Repair and reconstruction of existing legal structures or facilities within critical saltwater habitats may be permitted, provided that identified adverse impacts shall be mitigated to encourage no net loss of ecological function.

SMP-GP-9 When development is proposed on a property that includes tidelands or submerged lands designated as critical saltwater habitat, provisions should be included in the development application that address protection, enhancement and potential restoration of habitat areas.

Development Regulations

G-DR 5 Structures, developments, and uses, including marinas, docks, piers, mooring areas, underwater parks, utilities, and shoreline modifications, may not intrude into or be built over critical saltwater habitat unless the applicant can demonstrate that the majority of the following criteria can be met:

a. An alternative alignment or location is not feasible.

b. The project is designed to minimize its impacts on critical saltwater habitats and the shoreline environment.

c. Impacts to critical saltwater habitat functions can be mitigated to result in equal or better ecological function.

d. The facility is a public facility and is in the public interest.

G-DR 6 In areas not previously identified as critical saltwater habitat, the project proponent shall submit appropriate studies to determine whether critical saltwater habitats exist, whenever the following two conditions are applicable:

a. The proposed development, use or activity has the potential to cause significant adverse impacts to a critical saltwater habitat; and

b. The beach or saltwater area that may be directly impacted by the proposed development, use or activity is the type of environment in which a critical saltwater habitat has been demonstrated to occur.

G-DR 7 Except as a habitat improvement or restoration measure, aquatic herbicide treatments, mechanical removal of vegetation and aquatic pesticide treatments may not be used on critical saltwater habitats. Use of aquatic herbicide treatments are to be discouraged.

G-DR 8 Sand, gravel, or other materials may neither be added nor removed from critical saltwater habitats, except when part of an approved restoration project or as allowed in G-DR 5 above.

G-DR 9 New outfalls (including stormwater and treated sewer outfalls) and discharge pipes are discouraged from being located in critical saltwater habitats or areas where outfall or discharge will adversely affect critical saltwater habitats unless the applicant can show that the majority of the following can be met:

a. There is no feasible alternative location for the outfall or pipe.

b. The outfall or pipe is placed below the surface of the beach or bed of the water body.

c. The outfall discharges waterward of the subtidal zone.

d. The disturbed area will be revegetated with native plants.

e. The discharge point(s) on the outfall or discharge pipes is located so that the discharges, including nutrients in the discharge and currents, do not adversely affect critical saltwater habitats.

d. Critical Freshwater Habitats

Critical freshwater habitat within Port Orchard City limits is limited to the Blackjack Creek corridor and the estuarine portion of Ross Creek. Ecological functions of streams depend upon continuity and connectivity along the shoreline and the conditions of the surrounding lands on either side of the channel. Improper stormwater, sewer, or industrial outfalls and unmanaged clearing and grading can degrade ecological functions downstream thereby altering hydrographic conditions, raising water temperatures resulting in the corridor being inhospitable to priority species and posing flood risks to human health, safety and property.

Management Policies

SMP-GP-10 The City shall take special care when reviewing and inspecting development projects that discharge stormwater toward Blackjack Creek and the Ross Creek estuary.

SMP-GP-11 Where appropriate, the City should integrate protection of critical freshwater habitat with flood hazard reduction and other stream management provisions.

SMP-GP-12 The City should encourage, assist, and facilitate appropriate restoration projects, as appropriate.

SMP-GP-13 Realignment or rechannelization, clearing of adjacent native vegetation or large woody debris, and water withdrawals and diversion from the Blackjack Creek shoreline should be prohibited except for purposes of habitat restoration and enhancement, recreation and public access.

Development Regulations

G-DR 10 All development proposals within the Blackjack Creek shoreline jurisdiction or the Ross Creek estuary shoreline jurisdiction shall be subject to the provisions of Ordinance 09-090, adopted 2009, Fish and Wildlife Habitat Conservation Areas.

6.4 Flood Hazard Reduction

Flood hazard reduction may consist both structural and nonstructural measures. Flood hazard reduction nonstructural measures may include such measures as; setbacks, land use controls, wetland restoration, relocation of a use, and stormwater management programs. Further, flood hazard reduction may take the form of structural measures, such as dikes, levee, revetments, flood walls, channel realignment, and elevation of structures.

Management Policies

SMP-GP-14 Discourage future development in flood-prone areas consistent with Port Orchard Municpal Code Section 15.38 Flood Damage Prevention.

SMP-GP-15 Discourage alterations to stream systems' natural hydrological and geomorphological processes.

SMP-GP-16 When feasible, give preference to nonstructural flood hazard reduction measures over structural measures.

SMP-GP-17 Intend to the greatest means feasible that flood hazard protection measures do not result in a net loss of ecological functions.

SMP-GP-18 The creation of new lots that would be located entirely within the 100-year floodplain should be discouraged, consistent with Port Orchard Municipal Code Section 15.38 Flood Damage Prevention.

SMP-GP-19 Public utility and transportation structures are allowed, provided no reasonable alternative exists, in areas where such structures currently exist, or where the alternative would result in unreasonable and disproportionate costs.

Development Regulations

G-DR-11 Proposals for new structural flood hazard reduction measures shall be required to provide scientific and engineering documentation that such measures will protect existing

structures, that they are consistent with *Port Orchard Municipal Code Section 15.38 Flood Damage Prevention,* that nonstructural measures are not reasonable, and that impacts on ecological functions are mitigated to encourage no net loss.

6.5 Public Access

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on waters of the state, and to view the water and the shoreline from adjacent locations. Water views are currently easily accessible to the public from waterfront roadways, including SR 166, Bay Street, and Beach Drive, which are located very close to the shoreline for the entire length of the City and the Port Orchard Urban Growth Area.

Management Policies

SMP-GP-20 Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

SMP-GP-21 Protect the rights of navigation and commerce, and the space necessary for water-dependent uses.

SMP-GP-22 Protect the public's opportunities to enjoy the physical and aesthetic qualities of the shorelines, including views of the water, to the greatest extent feasible.

SMP-GP-23 Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

SMP-GP-24 Continue to acquire easements and/or require construction of future segments of the Mosquito Fleet Trail.

SMP-GP-25 The City shall retain and protect existing shoreline parks, trails, and other opportunities for the public to access and enjoy the Sinclair Inlet shoreline and to view the shoreline and water views from public property and roadways.

SMP-GP-26 In compliance with WAC 173-26-221(4), or as subsequently amended, require the dedication and improvement of public access in developments for water-enjoyment, water-related, and water-dependent uses and for the subdivision of land into more than four parcels when either partially or completely within shoreline jurisdiction.

SMP-GP-27 New shoreline development or major redevelopment by public entities, including local governments, port districts, state agencies and public utility districts, shall include public access as part of each development project, unless such access is demonstrated to be incompatible due to reasons of safety, security or environmental impacts.

SMP-GP-28 Pursue funding and acquisition of property and easements for trails serving the shoreline, including the Mosquito Fleet Trail and the Blackjack Creek Wilderness Trail.

SMP-GP-29 The City shall not vacate any public right-of-way that abuts or connects to shorelines, unless the use of such right-of-way for shoreline access is determined to present a public health or safety risk that would prevent such use for access.

SMP-GP-30 Public access and use improvements are encouraged to result in no net loss of ecological function.

SMP-GP-31 The City should encourage conversion into water-enjoyment, public access, or recreational uses of the Department of Natural Resource owned portion of the waterfront parking area within the downtown.

Development Regulations

G-DR-12 All waterfront development proposals within the High-Intensity environment, with a construction value of 50 percent or more of assessed improvement value, shall be required to dedicate a 14-foot public access easement to the City, and to construct a 10-foot wide mixed use path or boardwalk, in accordance with the Mosquito Fleet Trail Plan.

a. The path shall be located on the water side of the development where feasible. Where it is not feasible, a dedication and path shall be built adjacent to the roadway.

b. The specific location and design of the walkway, landscaping, and any signage shall be approved by the City Development Director and the City Engineer.

c. The City may approve a reduction in path size to a minimum of 6 feet where site constraints do not allow construction of a 10-foot path.

d. All trail or boardwalks that are constructed shall connect to existing or proposed access on adjacent properties.

e. Water-dependent industrial uses (e.g. boatyards) may request an administrative exemption from shoreline public access requirements through the development. However, trail improvements along the roadway, viewpoints and street-side improvements identified with G-DR-12 are required with all waterfront development.

f. Where an existing sub-standard walkway exists, upgrades to the standard are required where the value of development is 50 percent or greater of assessed improvement value.

G-DR-13 Shoreline development by public entities that requires a shoreline substantial development permit, including local government, port districts, state agencies, and public utilities shall provide a 14-foot public access easement and shall construct a 10-foot wide mixed use path or boardwalk, in accordance with the Mosquito Fleet Trail Plan.

a. The path or boardwalk is subject to G-DR-12 (a-f) above.

b. Development proposals on land owned by public entities not on the waterfront, but within shoreline jurisdiction (200 feet) shall provide publicly accessible open space, with amenities such as benches, totaling not less than 2 percent of the lot area. Exceptions may be made for safety, security, or impact to the shoreline environment. Any open space must be accessible from public right-of-way.

G-DR-14 Alternatives to on-site, physical access to the shoreline may be approved if the applicant can demonstrate to the satisfaction of the City that shoreline access is infeasible. Alternatives may include, but are not limited to:

a. Publicly accessible rooftop decks.

b. Off-site public access, such as improvement to a nearby street end, an offsite viewpoint, or a trail system, purchase of land or an easement at a location appropriate for future access improvements.

c. A payment in lieu agreement with the City in accordance with RCW 82.02.020.

G-DR-15 When required, public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity, except where the City determines an appropriate mechanism such as development agreement for delayed public access implementation is necessary for practical reasons.

G-DR-16 Where deemed necessary to protect ecological functions and ensure no net loss, the easement may encourage a buffer of native vegetation between the OHWM and the public access walkway.

G-DR-17 Public access easements and permit conditions shall be recorded in an appropriate manner with the Kitsap County Auditor's Office.

G-DR-18 If Public access hours are to be limited for access easements, they must be approved by the City Council and are required to include signage installed by the applicant and posted on the site.

G-DR-19 Public access sites are encouraged to be connected directly to the nearest public area (e.g. street, public park, or adjoining public access easement). Where connections are not currently possible, the site shall be designed to accommodate logical future connections.

G-DR-20 Public access sites shall be made barrier free for the physically disabled, where feasible, and designed consistent with the Americans with Disabilities Act.

G-DR-21 Public access landscape design, when required shall use predominantly native vegetation (60 percent or greater), particularly saline tolerant plant species. Landscape buffers may be incorporated where desirable to provide public/private space separation.

G-DR-22 Natural elements such as logs, rocks, shrubs, trees, and elevation separations are encouraged as a means to define the separation between public and private space.

G-DR-23 New multi-family residential development bordering public space designed for shoreline access shall be clearly delineated from adjacent public pathways to provide a visual privacy separation between uses. A grade separation may be a means of delineation and would not be required on the upland side of a development.

G-DR-24 The City may require the installation of benches, bicycle racks, pet waste, garbage and recycling receptacles, educational signage, and other street furniture at shoreline public access points commensurate with the degree of project impact. Where required,

a. Benches shall be set back from a walkway or path so that the path is not encumbered when the benches are in use. Benches shall be at least 4 feet in length.

b. Provisions for maintenance will be encouraged to be required as a condition of permit approval.

6.6 Shoreline Vegetation Conservation

The City of Port Orchard's Sinclair Inlet shoreline has been historically heavily developed. A result of the historical maritime, transportation, and industrial use of the Sinclair Inlet waterfront has resulted in very little native vegetation existing or being preserved. The Blackjack Creek shoreline, however, has remained in a mostly natural state. Shoreline vegetation has been determined to provide shade necessary to maintain cool temperatures required by salmonids, provides food for fish in the form of insects, stabilizes banks, minimizes erosion, and reduces the occurrence of landslides. Vegetation also provides critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

Management Policies

SMP-GP-32 The City shall endeavor to provide standards and regulations that provide no net loss of ecological function.

SMP-GP-33 Native vegetation should be preserved to the greatest extent feasible while providing for the removal of noxious weeds and vegetation that poses a risk to property, or safety or ecological function.

SMP-GP-34 Introduction of invasive non-native plants and noxious weeks shall be discouraged.

Development Regulations

G-DR-25 Existing native shoreline vegetation in an Aquatic Environment or within a shoreline buffer, should be preserved and protected, with limited exceptions for water dependent, water enjoyment, public recreation and public access uses, maintenance of public views, and "reasonable use" on undeveloped parcels located entirely or primarily within the shoreline buffer.

G-DR-26 Land within shoreline and critical buffer areas extending from marine ordinary high water mark, shall be considered vegetation conservation areas. Native shoreline vegetation that has not been otherwise disturbed by legal means shall be preserved to the maximum extent feasible within the vegetation conservation area consistent with safe construction practices, and other provisions of this chapter. Native trees and shrubs shall be preserved, the maximum extent feasible, to maintain and provide shoreline ecological functions such as habitat, shade, and slope stabilization.

G-DR-27 In all cases where clearing is followed by revegetation, native plants shall be preferred. Lawns are discouraged due to their limited erosion control value, limited water retention capacity and associated chemical and fertilizer applications. Non-native plants are to be discouraged.

G-DR-28 The following minimum standards for shoreline and critical area vegetation conservation shall apply:

a. No more than 15 percent of the area with native shoreline vegetation shall be cleared within the vegetation conservation area, without mitigation.

b. All native trees in the vegetation conservation area over 18 inches in diameter at breast height shall be retained. Trees determined by the City to be hazardous or diseased may be removed. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.

c. The Shoreline Administrator may allow removal of vegetation exceeding that described above where an applicant agrees to replacement plantings and a mitigation plan.

G-DR-29 All clearing and grading activities shall be limited to the minimum necessary for the permitted development.

G-DR-30 Exposed soils shall be immediately developed or revegetated to prevent erosion.

G-DR-31 Revegetation must be planted such that complete coverage of exposed soils is attained within one growing season.

G-DR-32 Clearing and grading within required shoreline setbacks shall only be permitted upon approval of a detailed landscape plan for revegetation. (The Shoreline Administrator may waive this requirement when potential impacts to shoreline resources are insignificant). The landscape plan shall include:

a. A map illustrating the distribution of existing plant communities in the area proposed for landscaping. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or man-made disturbances, overhanging vegetation, and the functions served by the existing plan community (e.g., fish and wildlife habitat values, slope stabilization).

b. If applicable, a description of the intertidal shade conditions created by existing vegetation. This description shall include an inventory of overhanging vegetation as well as a determination of how much shade is created in the intertidal zone by standing trees, during midday at midsummer.

c. A detailed landscape map indicating which areas will be preserved and which will be cleared, including tree removal.

d. Drawings illustrating the proposed landscape scheme, including the type, distribution, and density of plants. Any pathways or nonvegetated portions should be noted.

e. A description of any vegetation introduced for the purposes of fish and wildlife habitat. Significant loss of wildlife habitat shall be mitigated in accordance with Chapter 6 of this master program. If on-site mitigation is not no possible, off-site mitigation shall be permitted at a minimum replacement ratio of one-to-one (1:1 habitat lost to habitat replaced).

The revegetation landscaping required by this regulation shall meet the following standards:

f. At the time of planting, shrubs must be at least eighteen (18) inches high. Shrubs should be planted such that within two years the shrubs will cover at least sixty percent (60%) of the area that would be covered when the shrubs have attained a mature size. At the time of planting, deciduous trees must be at least two (2) inches in caliper as measured one (1) foot above grade, and coniferous trees must be at least five (5) feet in height.

g. The applicant may be required to install and implement an irrigation system to ensure survival of vegetation planted. For remote areas lacking access to a water system, an alternative method (e.g., hand watering) may be approved.

h. For a period of two (2) years after initial planting, the applicant shall replace any unhealthy or dead vegetation planted as part of an approved landscape plan. For a minimum of five (5) years after initial planting, the applicant shall mechanically remove any invasive vegetation. The use of herbicides will not be allowed in the control of invasive vegetation.

G-DR-33 Stabilization of exposed erosional surfaces along shorelines shall, whenever feasible, utilize soil bioengineering techniques.

G-DR-34 All shoreline development and activity shall use effect measures to minimize increases in surface water runoff that may result from clearing and grading activity. The applicant must implement best management practices (BMPs) for clearing, grading and erosion control under the City's engineering design standards, and must obtain a site development permit from the City's Public Works Department.

G-DR-35 The City may require a performance bond as a condition of permit approval, to ensure compliance with this Master Program.

CHAPTER 7 - SHORELINE DEVELOPMENT STANDARDS AND USE REGULATIONS

The shoreline uses that are addressed below are outlined and required in WAC 173-26-241 and have been correlated with the existing uses provided with the City of Port Orchard 1994 Shoreline Program (SMP) adoption. The provisions apply to specific common uses and types of development that may occur within shoreline jurisdiction. This section also includes a matrix outlining which uses are allowed in particular shoreline environments. The changes include a new shoreline environment, Shoreline Residential, and proposed allowed uses, as illustrated in the chart below. An additional change from the 1994 SMP is that the Urban designation, Urban Maritime designation, and Downtown Upland designation were combined into the High-Intensity Designation. Please note, shoreline use and development determined by the Department and classified by the Administrator is regulated under one or more of the following applicable sections.

7.1 Shoreline Use

The provisions in this Appendix A for shoreline use and development shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain principles as established in WAC 173-26-241. (x = not permitted, p = permitted, a = administrative review, c = conditional use permit)

SHORELINE USE CATEGORIES	NATURAL	URBAN CONSERVANCY	HIGH INTENSITY	SHORELINE RESIDENTIAL	AQUATIC
Agriculture	x	p	a	p	n/a
Aquaculture – floating	n/a	n/a	n/a	n/a	c
Boating Facilities – public or marinas	x	c	p	c	p
Boat launches	x	c	p	p	c
Commercial – water-dependent	x	c	p	c	c
Commercial – water-related	x	c	p	c	c
Commercial – non-water oriented	x	x	p	a	x
Float Plane Facilities	x	x	p	c	c
Flood Control Management	x	c	c	p	c
Forest Practices	x	c	p	p	n/a
Industrial – water-dependent	x	c	p	p	c
Industrial – water-related	x	x	p	x	x
Industrial – non-water oriented	x	x	p	x	x
Mining	x	x	c	c	c
Parking (Accessory)	c	c	p	p	x
Parking (Primary-including commercial Paid)	x	x	p	c	x

SHORELINE USE CATEGORIES	NATURAL	URBAN CONSERVANCY	HIGH INTENSITY	SHORELINE RESIDENTIAL	AQUATIC
Recreation – water-dependent	p	p	p	p	c
Recreation – water-related	p	p	p	p	c
Recreation – non-water oriented	c	c	p	p	c
Residential – single-family	p	p	p	p	x
Residential – multi-family	x	c	p	a	x
Land Subdivision	c	c	p	p	c
Transportation facilities – water-dependent	c	c	p	c	c
Transportation facilities – water-related	c	c	p	c	c
Transportation facilities – non-water related	c	c	c	c	c
Transportation facilities – trails/boardwalks	p	p	p	p	c
Utilities – above ground distribution poles	a	p	p	p	c
Utilities – underground	a	p	p	p	c
Utilities – cellular towers	c	c	c	c	c

(x = not permitted, p = permitted, a = administrative review, c = conditional use permit)

7.2 Shoreline Development Standards Matrix

DEVELOPMENT STANDARDS SETBACKS AND HEIGHT REQUIREMENTS	NATURAL	URBAN CONSERVANCY	HIGH INTENSITY	SHORELINE RESIDENTIAL	AQUATIC
Agriculture					
Cultivation / Grazing setback	x	100	100	100	x
Building Setback	x	100	50	50	x
Height limits (See underlying zoning Code or overlay districts – POMC Chapter 16)					
Aquaculture					
Water-dependent setback	x	0	0	0	0
Water-related setback	x	50	25	35	x
Height limits:					
Upland (See underlying zoning Code or overlay districts – POMC Chapter 16)					
Over-water	x	x	x	x	15
Boating Facilities & Boat Launches					
Water-dependent setback	0	0	0	0	0
Building setback	x	50	25	25	n/a
Height limits:[1]					

[1] Height limits are subject to zoning and overlay district regulations found in Title 16

DEVELOPMENT STANDARDS SETBACKS AND HEIGHT REQUIREMENTS	NATURAL	URBAN CONSERVANCY	HIGH INTENSITY	SHORELINE RESIDENTIAL	AQUATIC
Upland (See underlying zoning Code or overlay districts – POMC Chapter 16)					
Overwater structures	x	x	x	x	30
Commercial Development					
Water-dependent setback	x	0	0	x	0
Water-related setback	x	100	25	x	0
Non-water oriented setback	x	x	75	x	x
Building height limit (See POMC Ch. 16)					
Forest Practices					
Setback	x	100	n/a	75	n/a
Industrial Development					
Building Setbacks:					
Water-dependent	x	x	0	x	0
Water-related	x	x	50	x	x
Non-water oriented	x	x	100	x	x
Height Limits (See POMC Ch. 16)					
Parking					
Accessory	150	100	10	10	x
Primary	x	100	25	0	x
Recreational Development					
Water-dependent	n/a	0	0	0	0
Water-related/oriented	10	10	0	0	x
Non-water oriented (unless specified below)	100	75	25	25	x
Access Roads, restrooms, & accessory buildings	x	100	25	25	x
Parking Areas	x	50	10	0	x
Golf Courses or sports fields	x	200	100	100	x
Trails, boardwalks, or overlooks	0	0	0	0	0
Residential Development[2]					
Single-family setbacks – building setback	150	100	x	25	x
Single-family setbacks – accessory use setback (patios, decks, etc.)	100	50	x	15	x
2 to 4 dwelling units – building setback	x	x	40	50	x
2 to 4 dwelling units – accessory use setback	x	x	20	25	x

[2] If a public road lies between a proposed residential use and the shoreline, the regular front yard zoning setbacks shall apply

DEVELOPMENT STANDARDS SETBACKS AND HEIGHT REQUIREMENTS	NATURAL	URBAN CONSERVANCY	HIGH INTENSITY	SHORELINE RESIDENTIAL	AQUATIC
Transportation					
Arterials, Highways, Railroads	x	200	50	50	x
Multi-use trails, paths	x	0	0	0	0
Secondary/Access Roads	x	100	50	50	x
Utilities					
Buildings, transmission line, tower setbacks	200	100	50	75	0
Distribution pole height limit	36	36	36	36	x
Cellular tower height limit	x	100	100	x	x

(x = not permitted, p = permitted, a = administrative review, c = conditional use permit)

7.3 Agriculture

Although agricultural activity is limited within the City of Port Orchard, SMP guidelines require development of policies and regulations for agricultural use.

Management Policies

SMP-SU-1 For purposes of this section, the terms agricultural activities, agricultural products, equipment and facilities and agricultural land shall be defined as provided in WAC 173-26-020.

SMP-SU-2 Agricultural activities should not have a negative impact on water quality or destruction of vegetation.

SMP-SU-3 Agricultural uses and development in support of agricultural uses should be conducted in such a manner as to assure no net loss of shoreline ecological functions and processes and avoid substantial adverse impacts on other shoreline resources and values.

Development Regulations

SU-DR-1 Agriculture uses may only be permitted in the Shoreline Residential, High Intensity, and Urban Conservancy environments, and shall be limited to those agricultural uses permitted in the underlying zoning regulations.

SU-DR-2 Shoreline waters shall not be used for livestock watering, and shall be fenced or otherwise blocked to prohibit livestock access.

SU-DR-3 A buffer of native vegetation may be established and maintained between areas used for cultivation or grazing and adjacent water bodies and wetlands. The buffer should not be less than 20 feet wide, and shall be sufficiently enhanced to retard runoff, reduce sedimentation, and provide riparian habitat. Buffers shall include fencing to prevent encroachment.

SU-DR-4 Application of commercial pesticides within 100 feet of a shoreline is prohibited.

SU-DR-5 Pesticides shall be used, handled, and disposed of in accordance with provisions of the Washington State Pesticide Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.57) to prevent contamination and sanitation problems.

SU-DR-6 Livestock waste shall be disposed in a manner that will prevent surface or groundwater contamination.

7.4 Aquaculture

Sinclair Inlet has historically been limited regarding the harvest of shellfish and/or aquaculture, due to heavy historical industrial and military use and the resulting water quality concerns. There are significant industrialized harbors and military areas, and significant requirements for clear navigation of naval vessels, which may preclude the use of large-scale aquacultural facilities within Sinclair Inlet. Regarding any proposed aquaculture facilities, WAC 173-26-241(3)(b) outlines the development of goals and policies within the SMP document.

Management Policies

SMP-SU-4 Aquaculture in areas where it is demonstrated to result in a net loss of ecological functions, proven to adversely impacts eelgrass and macroalgae, or significantly conflicts with navigation and other water-dependent uses, should be prohibited.

Development Regulations

SU-DR-7 Shellfish seeding/culturing when conducted for native population recovery in accordance to government approved requirements, may be permitted.

7.5 Boating Facilities

Boating facilities include both public and private marinas, boat ramps, haulout, launching and infrastructure required to support watercraft, and are vitally important to maintaining public access to the water. Public boating facilities and public boating provisions within private facilities are supported throughout the shoreline.

Management Policies

SMP-SU-5 Boating facilities should be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.

SMP-SU-6 Significantly negative aesthetic impacts of new or redeveloped boating facilities should be avoided or mitigated.

SMP-SU-7 The development of boating facilities, and associated and accessory uses, should not result in a net loss of shoreline ecological functions or other significant adverse impacts.

SMP-SU-8 New boating facilities should limit the amount of shoreline modifications to as little as possible to accommodate the permitted uses.

Development Regulations

SU-DR-8 Boat launches for Port, commercial, or public recreational uses are supported in the high-intensity environment and are conditional in the urban conservancy and shoreline residential environments.

SU-DR-9 New boat launches requiring significant shoreline modifications shall be allowed only as conditional uses due to their potentially significant impacts to the shoreline environment.

SU-DR-10 Hand launch sites where improvements are limited to installation of signage and improvements valued at $5000 or less shall be exempt from a Shoreline Substantial Development Permit.

SU-DR-11 Reconstruction of an existing launch is permitted and supported.

SU-DR-12 Boat launches and ancillary facilities shall be located, designed, constructed and operated as to:

a. Minimize adverse affects to fish, shellfish, wildlife, water quality and existing geohydraulic shoreline and stream processes.

b. Provide adequate on-shore facilities for waste-disposal, parking, and restrooms.

c. Be compatible with adjacent uses.

d. Should endeavor to avoid negative aesthetic impacts.

SU-DR-13 Associated docks and floats shall conform to the applicable policies and performance standards of this Master Program.

SU-DR-14 Associated parking and loading areas shall:

a. Provide adequate off-road parking and loading areas

b. Facilitate orderly launching and retrieval of boats, as well as the movement of vehicles and trailers in the launching area

c. Be located away from the immediate water's edge and beaches as much as practicable.

d. Be designed in a manner that surface runoff does not pollute adjacent waters or cause soil or beach erosion.

7.6 Commercial Development

Management Policies

SMP-SU-9 Commercial Use provisions of the Shoreline Master Program are intended to be consistent with Comprehensive Plan, zoning, overlay districts, and other development regulations within the City.

SMP-SU-10 Preference shall be given to water-dependent commercial uses over nonwater-dependent uses.

SMP-SU-11 Commercial properties should ensure visual compatibility with adjacent non-commercial properties.

SMP-SU-12 Commercial uses located in the shoreline should provide public access in accordance with constitutional or other legal limitations unless such improvements are demonstrated to be infeasible or present hazards to life and property.

SMP-SU-13 Restoration of impaired shoreline ecological functions and processes should be encouraged as part of commercial development.

SMP-SU-14 Commercial development will not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values, to include navigation, recreation and public access.

Development Regulations

SU-DR-15 Projects located within the Downtown Overlay District must be consistent with regulations in POMC 16.20.

SU-DR-16 Over-water construction of commercial uses is prohibited except as follows:

a. The development of docks, boat launch ramps, boardwalks, marine repair facilities, or other shoreline access facilities.

b. Commercial uses of existing over-water buildings may be allowed to facilitate reuse of existing structures along the waterfront.

c. Minor commercial uses that are accessory and clearly incidental to an allowed use may be provided on publicly owned docks, piers, and properties.

d. Commercial uses of over-water buildings are essential to water dependent industry or use.

SU-DR-17 All commercial development or redevelopment requiring a Substantial Development or Conditional Use Permit within shoreline jurisdiction shall provide for public visual and/or physical access to the shoreline in accordance with the *Public Access* section of this Master Program. Properties within the Downtown Overlay District must be consistent with the *Public Access* section as well as any additional requirement in POMC 16.20.

7.7 Flood Control Works and Instream Structures

Management Policies

SMP-SU-14 New or expanding development or uses in the shoreline, including subdivision of land, that would likely require structural flood control works within a stream, channel migration zone, or floodway should not be allowed.

SMP-SU-15 Flood control works and instream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long term, especially in shorelines of statewide significance.

SMP-SU-16 Flood control works should only be allowed in the shoreline if they are necessary to protect existing development and where non-structural flood hazard reduction measures are infeasible.

SMP-SU-17 Flood control works to protect existing development should be permitted only when the primary use being protected is consistent with this Program, and the works can be developed in a manner that is compatible with multiple use of streams and associated resources for the long term, including shoreline ecological functions, fish and wildlife management, and recreation.

Development Regulations

SU-DR-18 Flood control works shall be permitted when it is demonstrated by engineering and scientific evaluations that:

a) they are necessary to protect health/safety and/or existing development and,
b) non-structural flood hazard reduction measures are not practicable.

SU-DR-19 New flood control works are prohibited on estuarine shores, on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement, restoration, or as identified in Development Regulation SU-DR-18.

SU-DR-20 New structural flood control works shall be placed landward of associated wetlands, and designated habitat conservation areas, except for works that improve ecological functions, such as wetland restoration, or as identified in Development Regulation SU-DR-18.

SU-DR-21 Revetments shall not be placed waterward of the OHWM except for weirs and current deflectors where necessary to protect bridges and roads.

SU-DR-22 No motor vehicles, appliances, other similar structures or parts thereof; nor structure demolition debris; nor any other solid waste shall be used for flood control works.

SU-DR-23 Cut-and-fill slopes and back-filled areas shall be stabilized with brush matting and buffer strips and revegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes.

7.8 Industrial and Port Development

Management Policies

SMP-SU-18 Shoreline sites particularly suitable for development such as deep water harbors with access to adequate highway and utility systems should be reserved for water-dependent or water-related industrial and port development.

SMP-SU-19 In order to provide adequate shoreline for future water-dependent and water-related uses, industrial or port development at deep water sites should be limited to those uses that produce the greatest long term economic base.

SMP-SU-20 Industrial and port development that is consistent with this Program should be protected from encroachment or interference by incompatible uses with less stringent siting requirements, such as residential or commercial uses.

SMP-SU-21 Mixed use development, including nonwater-dependent uses, should only be encouraged when they include and support water-dependent uses.

SMP-SU-22 Regional needs for port facilities should be carefully considered in reviewing new port proposals and in allocating shorelines for such development. Such reviews or allocations should be coordinated with port districts, adjacent counties and cities, and the State.

SMP-SU-23 Existing, officially designated State Harbor Areas should be used for new port development to the maximum extent whenever possible.

SMP-SU-24 Multiple use of industrial and port facilities is encouraged to limit duplicative facilities and reduce adverse impacts. New non-water oriented uses should be prohibited on shorelines except when: a) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or b) Navigability is severely limited at the proposed site, and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration. In areas designated for industrial use, non-water-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right-of-way.

SMP-SU-25 New facilities for water-dependent uses should be considered only after assessment of the potential for shared use of existing facilities.

SMP-SU-26 Industrial and port developments shall provide opportunities for physical and/or visual public shoreline access in accordance with the public access policies, including recreational use of undeveloped shorelines not needed for port or industry operations; provided that, such uses are safely compatible with facility operations.

SMP-SU-27 Industrial and port development in the shoreline should be located and designed to avoid significant adverse impacts to other shoreline uses, resources, and values, including shoreline geomorphic processes, water quality, fish and wildlife habitat, commercial aquaculture, and the aquatic food chain.

SMP-SU-28 Restoration of impaired shoreline ecological functions and processes should be encouraged as part of industrial and port development.

Development Regulations

SU-DR-24 Over-water construction of non-water dependent industrial uses is prohibited, except as follows :

a. Development of an overwater structure for mixed use of water dependent and non-water dependent;

b. Industrial uses of existing over-water buildings may be allowed to facilitate reuse of existing structures along the waterfront

c. Minor industrial uses that are accessory and clearly incidental to an allowed use may be provided on publicly owned docks, piers, and properties;

d. Navigability is severely limited at the proposed site, and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

SU-DR-25 Storage and/or disposal of industrial wastes are prohibited within shoreline jurisdiction, unless specifically listed in SU-DR-26 below.

SU-DR-26 The following may be permitted as an accessory use:

a. Storage of oil, fuel, chemicals, or hazardous materials, provided that they are an accessory to the main industrial use on the property and that secondary containment and an emergency spill response plan are included in the proposal.

b. Wastewater treatment and reclamation systems accessory to a permitted use, provided that alternate inland areas are unavailable and the proposed location, design and operation are compatible with existing and planned water-oriented uses.

SU-DR-27 Industrial and port facilities shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, as well as adjacent shoreline or water uses. Proposed industrial or port facilities must demonstrate conformance with the following:

a. Comply with all federal, state, regional, and local requirements regarding air and water quality. No generation of fly-ash, dust, vapors, odors, smoke or other substances shall be permitted that are harmful to health, animals, vegetation or neighboring properties.

b. Adequate buffers shall be installed to protect adjacent non-industrial uses. Buffers may be used for outdoor recreation or public access if consistent with public access provisions. Buffers may not be used for storage or waste disposal.

c. Industrial or port facilities shall be designed and operated to promote joint use of over-water and accessory facilities such as piers, docks, and storage, whenever practicable.

d. Protect public views of harbor areas and other vistas. Private views are not expressly protected.

e. A minimum 4-foot vertical separation between the storage floor surface and the highest seasonal water is required where unpaved storage areas are proposed.

f. Compliance with all applicable fire safety and storage laws under South Kitsap Fire & Rescue jurisdiction.

g. Exterior lighting shall be directed away from water bodies or adjacent parcels whenever practicable.

7.9 Marinas

Management Policies

SMP-SU-29 Marinas shall meet federal, state, and local standards for health, safety and welfare.

SMP-SU-30 New marinas or redevelopment projects on existing marinas, shall provide dedicated public access, particularly where water-enjoyment uses are associated with the marina.

SMP-SU-31 Impacts to shoreline resources from live-aboards should be regulated.

SMP-SU-32 The rights of navigation shall be protected and public boating facilities are encouraged.

SMP-SU-33 Accessory uses at marinas should be limited to water-oriented uses, or uses that provide physical or visual shoreline access for substantial numbers of the general public.

Development Regulations

SU-DR-28 New marinas and marina expansions should be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with adjacent residential property owners and adjacent shoreline or water uses. Proposals for new or expanded facilities shall:

a. Located with regard to favorable conditions related to prevailing winds, currents, bathymetrics, and adequate harbor flushing.

b. Comply with all federal, state, regional, and local requirements regarding water quality.

c. Be generally compatible with the general aesthetic quality of the shoreline area. Provide for adequate upland support facilities.

d. Provide accessory parking and loading areas.

e. Facilitate orderly launching, retrieval, and storage of boats as well as circulation of vehicles and pedestrians in the vicinity of the marina.

f. Marinas shall make provisions to minimize and handle accidental spills.

g. Provide pump-out and on-shore sewage and waste disposal facilities.

SU-DR-29 Marinas shall provide public access in accordance with this Master Program

SU-DR-30 All building materials shall be of a non-reflective material.

SU-DR-31 Individual boathouses are discouraged in new or expanded marinas. Replacement boathouses at existing marinas are supported.

SU-DR-32 On state-owned aquatic lands, the number of live-aboard slips are limited to the provisions identified within WAC 332-30-171.

7.10 Moorage: Docks, Piers and Mooring Buoys

Management Policies

SMP-SU-34 Moorage associated with a single family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible. Moorage for water-related and water enjoyment uses or shared moorage for multifamily use should be allowed as part of a mixed use development or where it provides public access.

SMP-SU-35 New moorage, excluding docks accessory to single family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.

SMP-SU-36 *M*ooring buoys are preferred over docks or floats. Shared moorage facilities are preferred over single-user moorage where feasible, especially where water use conflicts exist or are

predicted. New subdivisions of more than two lots and new multifamily development of more than two (2) dwelling units should provide shared moorage.

SMP-SU-37 Docks, piers and mooring buoys, including those accessory to single family residences, should avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift.

SMP-SU-38 Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating, as well as private riparian rights of adjacent land owners.

SMP-SU-39 Moorage should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of piers and docks should be no greater than that required for safety and practicality for the primary use.

SMP-SU-40 Pile supports are preferred over floats because piles do not displace water surface and intertidal or aquatic habitat and are removable and thus more flexible in terms of long-term use patterns. Floats may be less desirable than pile structures where aquatic habitat or littoral drift are significant.

SMP-SU-41 The use of buoys for small craft moorage is preferred over piles or float structures because of lesser long term impact on shore features and users; moorage buoys should be placed as close to shore as possible to minimize obstruction to navigation.

SMP-SU-42 Shoreline resources and water quality should be protected from overuse by boaters living on vessels (liveaboards). Boaters permanently living on vessels are restricted to established marinas with facilities to address waste handling and other sanitary services.

SMP-SU-43 Vessels should be restricted from extended mooring on waters of the state unless authorization is obtained from the DNR and impacts to navigation and public access are mitigated.

SMP-SU-44 Piers and docks should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

SMP-SU-45 New pier and dock development should be designed so as not to interfere with lawful public access to or use of shorelines. Developers of new piers and shared moorage should be encouraged to provide physical or visual public access to shorelines whenever safe and compatible with the primary use and shore features.

Development Regulations

SU-DR-33 Applications for public mooring buoys should include an enforcement and management plan that describes rules and regulations for public use.

SU-DR-34 Private mooring buoys are permitted in Aquatic environments adjacent to Shoreline Residential, High Intensity, and Urban Conservancy environments.

SU-DR-35 Mooring buoys are subject to permitting requirements and Hydraulic Project Approval conditions from the Washington State Department of Fish & Wildlife.

SU-DR-36 Mooring buoys shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, as well as adjacent shoreline or water uses.

SU-DR-37 A mooring buoy shall secure no more than two boats.

SU-DR-38 Washington Department of Natural Resources (DNR) requires registration for mooring buoys placed onto state-owned aquatic lands.

SU-DR-39 No creosote, chromate copper arsenate, or pentachlorophenol treated wood, or other comparably toxic compounds may be used as part of the in-water decking, pilings, or other components of any structures such as docks, wharves, piers, marinas, rafts, floats or terminals. Treated wood may only be used for above water structural framing and is discouraged to be used as decking, pilings, etc. During maintenance, existing treated wood should be replaced with alternative non-toxic materials.

SU-DR-40 Tires are prohibited as part of above or below water structures or where tires could potentially come in contact with the water. Existing tires used for floatation should be replaced with inert or encapsulated materials such as plastic or encased foam, during maintenance or repair of the structure.

SU-DR-41 All foam material must be encapsulated within a shell that prevents breakup or loss of the foam material into the water and is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance, existing un-encapsulated foam material should be removed or replaced.

SU-DR-42 To prevent prop scour, boat mooring areas for new docks, marinas, shipyards and terminals, mooring buoys, rafts and floats should be located where the water will be deeper than 2 meters (7 feet) at the lowest low water, or where it can be shown that prop scour will not adversely impact aquatic vegetation or increase suspended sediment loads.

SU-DR-43 The design, location, and construction of docks, floats, and piers, as well as their subsequent use, should minimize adverse effects on fish, shellfish, wildlife, water quality, and geohydraulic processes.

SU-DR-44 Docks, piers, and floats should be designed, located and operated to minimize interference with adjacent water uses. The maximum length of a pier or dock should be the minimum necessary to accomplish moorage.

Development Standards for new Piers and Docks

Length Docks, piers, and floats should be designed, located and operated to minimize interference with adjacent water uses. The maximum length of a pier or dock should be the minimum necessary to accomplish moorage.

Width

1. The maximum width of a single-family residential pier or dock is six (6) feet.
2. The maximum width of a commercial or public pier will be the minimum necessary to accommodate the permitted use.
3. The maximum width of a ramp is four (4) feet.
4. The maximum width of ells and floats is six (6) feet for public or commercial uses. Any additional fingers must be no wider than two (2) feet.
5. Ells are not permitted on single-family residential docks, piers, or floats.

Area. Surface area of docks, piers and ramps shall be determined on a site-specific basis.

Decking

1. If pier is over four feet wide, decking is required to 30% functional grating on the pier.
2. Ramps are required to be fully grated.

a. Option 1: A float with a width of 6 feet or less must have functional grating installed on at least 30 percent of the surface area of the float.

b. Option 2: A float with a width greater than 6 feet (up to 8 feet) must have functional grating installed on at least 50 percent of the surface area of the float.

Piles

1. Piling diameter cannot exceed 12 inches.

2. Piling materials. No creosote, pentachlorophenol, CCA or comparable toxic compounds not approved for marine use, shall be used for any portion of the overwater structure. For any ACZA treated wood, the wood must be treated by the manufacturer per the Post Treatment Procedures outlined in "BMP Amendment #1 – Amendment to the Best Management Practices (BMPs) for the Use of Treated Wood in Aquatic Environments; USA Version – Revised July 1996," by the Western Wood Preservers Institute, as amended April 17, 2002 or the most current BMPs.

SU-DR-45 Publicly owned dock or pier facilities may not exceed the minimum length required for moorage.

SU-DR-46 Railings, if provided, should be of open framework design and conform to the Uniform Building Code where required.

SU-DR-47 Utility service, if provided on docks and piers, should be placed on or under the deck. Overhead utility service is prohibited. Lighting shall be designed and installed to prevent unnecessary glare.

SU-DR-48 Docks, piers and floats should be marked as necessary to avoid hazardous conditions for surface water users.

SU-DR-49 Structures over three (3) feet in height should not be permitted on a noncommercial pier, dock, or float, except railings, navigational features, hoists, shielded safety lighting, or other safety devices. This does not include floating dock pilings.

SU-DR-50 All piers and docks should be constructed an maintained in a safe condition. Abandoned or unsafe docks and piers should be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the City may, following proper notice to the owner, abate the structure if the owner fails to do so within 90 days, and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

SU-DR-51 Prohibited uses and activities are as follows.

a) Piers, docks, boathouses, and floats used for solely residential purposes (live-aboards are allowed within established commercial marinas).

b) Piers, docks, and floats on streams.

c) Covered moorage or boathouses over water except within established marinas and boat repair yards.

d) Fill waterward of the ordinary high water mark or within a marsh, bog or swamp to accommodate a pier, dock, or float.

7.11 Recreation

Recreational development provides opportunities for play, sports, relaxation, amusement, or contemplation. It includes facilities for passive recreational activities, such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, and golf courses. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or a private club, group, association, or individual.

Management Policies

SMP-SU-46 Shoreline recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.

SMP-SU-47 Recreational developments should facilitate appropriate use of shoreline resources while conserving them. These resources include, but are not limited to: accretion shoreforms, wetlands, soils, ground water, surface water, native plant and animal life, and shore processes.

SMP-SU-48 Recreational developments and plans should provide the regional population a varied and balanced choice of recreation experiences in appropriate locations. Public agencies and private developers should coordinate their plans and activities to provide a wide variety of recreational opportunities without needlessly duplicating facilities.

SMP-SU-49 Trail links between shoreline parks and public access points should be encouraged for walking or bicycle riding where appropriate. The City of Port Orchard Comprehensive Park Plan and the Mosquito Fleet Trail Plan should be considered in design and approval of public trail systems.

SMP-SU-50 Access to natural areas, including but not limited to shoreline beaches and Blackjack and Ross Creeks, should be a combination of linear shoreline trails or easements and small parking or access tracts to minimize user concentration to small portions of the shoreline.

SMP-SU-51 Recreation facilities should incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment and the importance of public involvement in shorelines management. Opportunities incorporating educational and interpretive information should be pursued in design and operation of recreation facilities and nature trails.

SMP-SU-52 Recreation development should be located only where utility and road capability is adequate or may be provided without significant damage to shore features commensurate with the number and concentration of anticipated users.

SMP-SU-53 Cooperative efforts among public and private persons toward the acquisition and/or development of suitable recreation sites or facilities should be explored to assure long-term availability of sufficient public sites to meet local recreation needs.

Development Regulations

SU-DR-52 Recreational facilities shall make adequate provisions for:

- ***a.*** Vehicular and pedestrian access
- ***b.*** The prevention of overflows and trespasses onto adjacent properties.

c. 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
d. The enforcement of laws and regulations associated with use of the facilities being proposed
e. Water supply, sewage disposal, parking, and garbage collection.
f. Security
g. Maintenance

SU-DR-53 Valuable shoreline resources and fragile or unique areas, such as wetlands and accretion shoreforms, should be used only for non-intensive recreation activities.

SU-DR-54 Stairways and landings should be located upland of existing bulkheads, banks, and the OHWM unless integral to a water-dependent use or overwater structure permitted by this Master Program.

7.12 Residential Development

Residential development refers to one or more buildings, structures, lots, parcels, or portions of parcels that are used or intended to be used to provide a dwelling for human beings. Residential development includes single-family residences, duplexes, other detached dwellings, multifamily residences, apartments, townhouses, mobile home parks, group housing, condominiums, subdivisions, planned unit developments, and short subdivisions. Residential development also includes accessory uses and structures such as garages, sheds, tennis courts, swimming pools, driveways, parking areas, fences, cabanas, saunas, and guest cottages, when allowed by the underlying zoning. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land subdivision.

Management Policies

SMP-SU-54 Single family residences are designated as a priority use consistent with RCW 90.58.

SMP-SU-55 New residential development is encouraged to cluster dwelling units together to reduce physical and visual impacts on shorelines and to reduce utility and road costs. Planned unit developments that include common open space and recreation facilities, or a variety of dwelling sizes and types, are encouraged at suitable locations as a preferable alternative to extensive single lot subdivisions on shorelines. Plats and subdivisions must be designed, configured and developed in a manner that assures no net loss of ecological functions from full build-out of all lots.

SMP-SU-56 Allowable density of new residential development should comply with applicable comprehensive plan goals and policies, zoning restrictions, and shoreline area designation standards.

SMP-SU-57 Structures or development for uses accessory to residential use should preserve shoreline open space, be visually and physically compatible with adjacent shoreline features, be reasonable in size and purpose, and result in no net loss of shoreline ecological functions and processes.

SMP-SU-58 Building heights must be compatible with Title 16 of the POMC, as well as with the View Protection Overlay District Ordinance, and the Downtown Overlay District.

SMP-SU-59 New residential development should be planned and built to minimize the need for shoreline stabilization and flood hazard reduction measures and assures not net loss of ecological functions.

SMP-SU-60 Measures to conserve native vegetation along shorelines should be required for all residential development. Vegetation conservation may include avoidance or minimization of clearing or grading, restoration of areas of native vegetation, and/or control of invasive or non-native vegetation.

SMP-SU-61 Whenever possible, non-regulatory methods to protect shoreline ecological functions and other shoreline resources should be encouraged for residential development. Such methods may include resource management planning, low impact development techniques, voluntary protection and enhancement projects, education, or incentive programs.

SMP-SU-62 New multi-unit residential development, including subdivision of land for more than four parcels, on waterfront parcels, should provide substantial shoreline access for development residents and the public, unless public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology or legal limitations.

SMP-SU-63 Development should provide open space corridors between structures, and along site boundaries, so as to provide space for outdoor recreation, preserve views, and minimize use conflicts.

Development Regulations

SU-DR-55 Single-family homes may are exempt from the Shoreline Substantial Development Permit process, as well as clearing and grading associated with the construction of a single-family home.

SU-DR-56 Residential development shall be located and designed to avoid the need for structural shoreline armoring and flood protection.

SU-DR-57 Subdivisions or development of more than four dwelling units adjacent to the waterfront shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to the shoreline for residents of the development and the general public. When required, public access easements must comply with the *Public Access* section of this Master program.

7.13 Shoreline Stabilization and Bulkheads

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and nonstructural methods. Shoreline stabilization measures can include a wide range of works varying from hard vertical walls to vegetation conservation and enhancement.

Management Policies

SMP-SU-64 New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible.

SMP-SU-65 New structural stabilization should only be allowed to protect existing primary structures or in support of new water-dependent uses.

SMP-SU-66 New shoreline stabilization should result in no net loss of ecological functions

SMP-SU-67 The size of stabilization measure should be limited to the minimum necessary. Soft approaches should be used unless demonstrated not to be sufficient to protect primary structures, dwellings and businesses.

Development Regulations

SU-DR-58 Subdivisions of land must ensure the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics.

SU-DR-59 New bulkheads will be allowed only if a geotechnical analysis demonstrates danger and structural damage is likely to a **legal** primary structure.

a. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a qualified professional, that the structure is in danger from shoreline erosion caused by currents or wave action. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The analysis must evaluate onsite drainage issues and address drainage problems before considering structural shoreline stabilization.
b. Supplementary or non-structural stabilization must be shown to be impractical or non-effective, as demonstrated by a geotechnical report.
c. The report(s) must determine that the stabilization structure will not result in a net loss of shoreline ecological functions.

SU-DR-60 Replacement bulkheads will be allowed, if soft armoring alternatives are not feasible. Replacement bulkheads should be placed landward of the OHWM, and will not be allowed waterward of the existing bulkhead.

SU-DR-61 Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:

a. No action
b. Flexible stabilization constructed of natural materials incorporating measures such as soft shore protection and bioengineering, including beach nourishment, protective berms, or vegetative stabilization.

c. Flexible stabilization, as described above, with rigid works, constructed as a protective measure.

d. Rigid works constructed of artificial materials such as riprap or concrete.

SU-DR-62 A seawall or bulkhead protecting state or local roads, may be rebuilt or repaired if deemed necessary by the City Engineer and Shoreline Administrator.

7.14 Signs

The City of Port Orchard recognizes the constitutional right for property owners to communicate using signs on their property. These policies are intended to ensure that signage within shoreline areas is consistent with the purpose and intent of the Act and this Program by addressing impacts to ecological functions, public safety and visual aesthetics.

Management Policies

SMP-SU-68 Signs should be located, designed and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.

SMP-SU-69 Sign location and design should not substantially impair shoreline views.

SMP-SU-70 All signs shall meet the requirements of POMC 16.65.

SMP-SU-71 Communities, districts, and/or multi-use or multi-tenant commercial developments are encouraged to erect single, common use gateway signs to identify and give directions to local premises and public facilities as a preferable alternative to a proliferation of single purpose signs.

SMP-SU-72 Off-premise signs are prohibited. Signs that are not water-dependent or that reduce public enjoyment of or access to shorelines are not encouraged. Such signs should not be located on shorelines except for approved community gateway or directional signs.

SMP-SU-73 Free-standing signs should be located to avoid blocking scenic views and be located on the landward side of public transportation routes which generally parallel the shoreline.

SMP-SU-74 To minimize negative visual impacts and obstructions to shoreline access and use, low-profile, on-premise wall signs are preferred over free-standing signs or other wall signs.

SMP-SU-75 Moving or flashing signs should be prohibited on shorelines.

SMP-SU-76 Artificial lighting for signs or security should be directed or beamed away from the water, public streets or adjacent properties.

Development Regulations

SU-DR-63 Signs shall conform to all provisions in POMC 16.65

7.15 Transportation and Parking

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, ferry terminals, railroad facilities, and boat and floatplane terminals. The shoreline areas within the City of Port Orchard and its outlying Urban Growth Area are dominated by transportation facilities. Major

State Highways and local roads are adjacent to the entire length of the marine shoreline, parallel to the Sinclair Inlet, and multiple private docks and public passenger-only ferry docks are located in the area. Transit interchanges and transportation hubs are vital to the shoreline connection to major cities and transportation infrastructure that is vital to the local and regional economy.

Management Policies

SMP-SU-77 New transportation facilities should be located so as to not interfere with existing public access areas and significant natural, historic, archaeological or cultural sites.

SMP-SU-78 Parking is not a preferred use in shorelines and should only be encouraged to support authorized uses where no feasible alternatives exist.

SMP-SU-79 New or expanded public transportation facility route selection and development within the shoreline should be coordinated with related local and state government land use and circulation planning.

SMP-SU-80 Transportation system route planning, acquisition, and design in the shoreline should provide space wherever possible for compatible multiple uses such as utility lines, public access, pedestrian shore access or view points, or recreational trails.

SMP-SU-81 Transportation system plans and transportation projects within shorelines should provide adequate, safe, and compatible space for non-motorized traffic such as pedestrians and bicyclists. Space for such uses should be required along roads on shorelines, where appropriate, and should be considered when rights-of-way are being vacated or abandoned.

SMP-SU-82 Public access should be provided to shorelines where safe and compatible with the primary and adjacent use, or should be replaced where transportation development substantially impairs lawful public access. Viewpoints, parking, trails and similar improvements should be considered for transportation system projects in shoreline areas, especially where a need has been identified.

SMP-SU-83 Public transportation routes, particularly arterial highways and railways within the shoreline, should be located, designed, and maintained to permit safe enjoyment of adjacent shore areas and properties by other appropriate uses such as recreation or residences. Vegetative screening or other buffering should be considered.

SMP-SU-84 Efforts to implement waterfront trails including the Mosquito Fleet Trail and Blackjack Creek Trail should accompany any shoreline transportation projects.

SMP-SU-85 Maintenance and repair of existing roadways and transportation facilities within the shorelines should not be unduly encumbered by Shoreline Master Program implementation.

Development Regulations

SU-DR-64 When feasible, major new transportation facilities should be located away from the shoreline.

SU-DR-65 Roads shall be located to avoid critical areas where possible.

SU-DR-66 Roads and waterway crossings are discouraged within wetlands or critical fish and wildlife conservation areas except when all upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program.

SU-DR-67 Roads, bridges, culverts and similar devices are encouraged to afford maximum protection for fish and wildlife resources.

SU-DR-68 New transportation facilities should be located in a manner to and encouraged to be designed to minimize or prevent the need for shoreline protective measures such as riprap or other bank stabilization, landfill, bulkheads, groins, jetties or substantial site regrading.

SU-DR-69 Maintenance, repair, and replacement of existing road facilities is encouraged.

SU-DR-70 Road routes shall make provisions for pedestrian, bicycle, and other non-motorized modes of travel whenever feasible.

7.16 Utilities

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

Management Policies

SMP-SU-86 New public or private utilities should be located inland from the land/water interface, preferably out of the shoreline jurisdiction, unless:

a. Perpendicular water crossings are unavoidable; or

b. Utilities are required for authorized shoreline uses consistent with this Program.

SMP-SU-87 Utilities should be located and designed to avoid public recreation and public access areas and significant natural, historic, archaeological or cultural resources.

SMP-SU-88 Utilities should be located, designed, constructed, and operated to result in no net loss of shoreline ecological functions and processes with appropriate mitigation.

SMP-SU-89 All utility development should be consistent with and coordinated with all local government and state planning, including comprehensive plans and single purpose plans to meet the needs of future populations in areas planned to accommodate growth. Site planning and rights-of-way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation planning.

SMP-SU-90 Utilities should be located in existing rights-of-way and corridors whenever possible.

SMP-SU-91 Utilities serving new development should be located underground, wherever possible.

SMP-SU-92 Development of pipelines and cables on aquatic lands and tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic

maintenance which would disrupt shoreline ecological functions should be discouraged except where no other feasible alternative exists.

Development Regulations

SU-DR-71 Utility development should provide for compatible, multiple uses of sites and rights-of-way.

SU-DR-72 Replacement of existing wires, utility poles, and similar existing infrastructure are permitted and are exempt from shoreline substantial permit requirements.

SU-DR-73 Utilities shall be located adjacent to or within existing utility or circulation easements or rights-of-way whenever feasible. Joint use of rights-of-way and corridors is encouraged.

SU-DR-74 Utilities shall be located, designed, constructed and operated so as to document no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses.

SU-DR-75 Utility distribution lines serving new development including electricity, communications and fuel lines should be located underground, except where the presence of bedrock or other obstructions make such placement infeasible. Existing above-ground lines should be moved underground during normal replacement processes.

SU-DR-76 Land filling in shoreline jurisdictions for utility facilities or line placement is prohibited.

SU-DR-77 Clearing of vegetation for the installation or maintenance of utilities should be kept to a minimum.

CHAPTER 8: SHORELINE ADMINISTRATION AND PERMIT PROCEDURES

This chapter contains the provisions regarding the City's administrative processes and permit procedures regarding the Shoreline Management Act and the City of Port Orchard Shoreline Master Program.

8.1 Shoreline Administrator

The City of Port Orchard Development Director, or his/her designee, shall serve as the Shoreline Administrator. The Shoreline Administrator shall determine the proper procedure for all shoreline permit applications, and shall have the authority to grant, condition, or deny shoreline exemptions and administrative shoreline permits.

8.2 Hearing Examiner

Per POMC 16.01.021(3), the Hearing Examiner shall have authority to conduct open record public hearings and to grant, condition, or deny applications for shoreline substantial use, variance, and conditional use permits.

8.3 Shoreline Exemptions

The Shoreline Administrator shall issue a letter of exemption if any of the criteria below are met or meets the criteria allowed per WAC 173-27-040(2):

a) Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

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

of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands 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;

f) Construction or modification of navigational aids such as channel markers and anchor buoys;

g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local

government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

i) 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 groundwater from the irrigation of lands;

j) 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;

k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

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

(i) The activity does not interfere with the normal public use of the surface waters;

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

(iii) The activity does not involve the installation of any structure, and upon completion of the

activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

m) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

n) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(i) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(ii) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

o) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and

(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

(i) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this subsection:

(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

• Elimination of human-made fish passage barriers, including culvert repair and replacement;

• Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

• Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(II) A fish habitat enhancement project must be approved in one of the following ways:

• By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;

• By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

• By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;

• Through the review and approval process for the jobs for the environment program;

• Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through

interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;

• Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and

• Through other formal review and approval processes established by the legislature.

(ii) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).

(iii)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

8.4 Administrative Shoreline Substantial Development Permits

Substantial development permits ("SDPs") are required for all developments (unless specifically exempt) that meet the legal definition of "substantial development," but may qualify for processing as an administrative permit subject to the Section 8.4.1.

SDPs are reviewed and processed by local governments and subsequently sent to Ecology for filing. Under WAC 173-27-150, substantial development permits cannot be approved unless they are consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and the local master program. Local government may condition the approval of permits if needed to ensure consistency of the project with the act and the local master program.

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state.

8.4.1 Development Activities

Development Activities that meet one or more of the following criteria and exceed the exemption thresholds shall be processed as an administrative shoreline substantial development permit:

(a) The remodel, rehabilitation, or other development activities that significantly alter the exterior of an existing building (e.g., adding a fire escape to a building exterior). Minor modifications such as roof replacement, changes in window or door openings, or new siding may qualify as a shoreline exemption;

(b) Expansions of existing buildings that do not exceed a total of 1,000 square feet, will not exceed one-story in height, and will not increase the height of an existing roof;

(c) Temporary buildings or other activities that do not qualify as an exemption because they may have a temporary adverse impact on public views, aesthetics, or public access;

(d) Public access and other associated amenities that are located landward of the OHWM and the fair market value does not exceed $50,000;

(e) Underground utility improvements, including utility extensions, within an existing right-of-way;

(f) Installation of public art.

8.4.2 Permit Process

Administrative shoreline permits will be processed as an administrative permit in accordance with POMC 16.06, or as hereafter amended. Public notice and a comment period are required.

8.5 Shoreline Substantial Development Permits

Substantial development permits ("SDPs") are required for all developments (unless specifically exempt) that meet the legal definition of "substantial development."
SDPs are reviewed and processed by local governments and subsequently sent to Ecology for filing. Under WAC 173-27-150, substantial development permits cannot be approved unless they are consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and the local master program.
Local government may condition the approval of permits if needed to ensure consistency of the project with the act and the local master program.

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state.

8.6 Conditional Use Permits

8.6.1 Description

Conditional Use Permits allow greater flexibility in applying use regulations of shoreline master program. A CUP is needed if a proposed use is listed as a conditional use in a local government's environment designation, or if the SMP does not address the use. A CUP may be required even if a proposed use is otherwise exempt from permit requirements.

8.6.2 Criteria for Granting Shoreline Conditional Use Permits

Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies of the SMA (RCW 90.58.020) and the master program;
2. That the proposed use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
5. That the public interest suffers no substantial detrimental effect.
6. Conditional uses must also meet criteria in WAC 173-27-140 which apply to all development.

Some proposals may require both a substantial development permit and a conditional use permit. Other proposals that are not a "substantial development" might require a conditional use permit.

8.6.3 Conditional Use Permit Process

Shoreline Conditional Use Permits are subject to processing under POMC 16.06 and 16.07. They are administered by the Shoreline Administrator or his/her designee, and are subject to public notice, public comment, a public hearing and SEPA requirements. City-approved CUPs are sent to Ecology at the end of the local appeal period. Ecology must either approve, deny or condition every CUP within 30 days of receiving a complete permit application.

8.7 Shoreline Variances

8.7.1 Description

Variances are requests to adjust the applicable setback and/or bulk and dimensional requirements of the SMP where there are extraordinary or unique circumstances relating to the subject property such that the strict implementation of the SMP requirements would impose unnecessary hardship on the applicant or thwart the policies set for in RCW 90.58.020. The City has two types of variances; shoreline variances, and administrative shoreline variances.

8.7.2 Criteria for Granting Shoreline Variances

Any variance request must meet the requirements listed below. Variances for prohibited uses are not allowed.

8.7.2.1 Criteria for granting upland variances

Development that requires a variance must demonstrate that the development meets all of the criteria below:

1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
2. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or

natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
5. That the variance requested is the minimum necessary to afford relief; and
6. That the public interest will suffer no substantial detrimental effect.

8.7.2.1 Criteria for granting overwater variances

Overwater variance may be granted provided that they meet criteria 2 through 6 in 8.7.2.1 above, as well as the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
2. That the public rights of navigation and use of the shorelines will not be adversely affected.

8.7.3 Variance Process

Variances are subject to processing under POMC 16.06 and 16.07. They are administered by the Shoreline Administrator or his/her designee, and are subject to public notice, public comment, a public hearing (for regular variances) and SEPA requirements. Administrative variances are subject to public notice, but not public hearings, unless appealed.

8.8 Table of Permits and Procedures

Permit Type	Decision Maker	Public Notice	Notes
Shoreline Exemption	Shoreline Administrator	N/A	List of exemptions in Section 8.3 above
Administrative Shoreline Substantial Development	Shoreline Administrator	a. Notice mailed to property owners within 300 feet. b. Notice posted on-site c. Notice published in newspaper of record	See section 8.4
Shoreline Substantial Development Permit	Hearing Examiner	a. Notice mailed to property owners within 300 feet. b. Notice posted on-site c. Notice published in newspaper of record	See section 8.5
Adminstrative Conditional Use Permit	Shoreline Administrator Dept. of Ecology	a. Notice mailed to property owners within 300 feet. b. Notice posted on-site c. Notice published in newspaper of record	See section 8.6

Conditional Use Permit	Hearing Examiner Dept. of Ecology	a. Notice mailed to property owners within 300 feet. b. Notice posted on-site c. Notice published in newspaper of record	See section 8.6
Administrative Variance	Shoreline Administrator Dept. of Ecology	a. Notice mailed to property owners within 300 feet. b. Notice posted on-site c. Notice published in newspaper of record	See section 8.7
Variance	Hearing Examiner Dept. of Ecology	a. Notice mailed to property owners within 300 feet. b. Notice posted on-site c. Notice published in newspaper of record	See section 8.7

8.9 Public Notice

Public notice shall be provided consistent with POMC 16.06.

8.10 Public Hearings

Public hearings shall be conducted by the Hearing Examiner in accordance with POMC 16.

8.11 SEPA Review

Project review conducted pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C , shall occur concurrently with project review set forth in this Master Program and POMC Chapter 16.07.

8.12 Appeals

8.12.1 Local appeals of decisions by the Shoreline Administrator are subject to Hearing Examiner review. Appeals of Hearing Examiner decisions are subject to review by City Council in accordance with POMC 16.06.

18.12.2 Appeals of a final decision of the City of Port Orchard or the Department of Ecology shall be filed within 21 days of the date of decision and shall be heard by the Shorelines Hearings Board in pursuant to the procedures and timelines of RCW 90.58.180.

CHAPTER 9: EXISTING DEVELOPMENT

Nonconforming development includes shoreline uses and structures which were *lawfully* constructed, established, or created prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the Act. In such cases, the standards of this Chapter shall apply.

9.1 Existing Uses

Nonconforming uses include shoreline uses which were lawfully established prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the Act. The continuance of a nonconforming use is subject to the following standards:

a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided, that the use does not change or intensify.
b. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to this Master Program and the Act.
c. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed without a shoreline variance.
d. If a nonconforming use is discontinued for a period of 365 or more consecutive calendar days, it shall lose its nonconforming status, and the continued use of the property shall be required to conform to the provisions of this Master Program and the Act, or obtain a shoreline variance.

A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

9.2 Existing Structures

1) Nonconforming structures include shoreline structures which were lawfully constructed or placed prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, or density requirements. Nonconforming structures may continue even though the structures fail to conform to the present requirements of the environmental district in which they are located. A nonconforming structure may be maintained as follows:

a. Necessary repairs and alterations that do not increase the degree of nonconformity may be made to nonconforming structures.
b. A nonconforming building or structure may be repaired, maintained, and replaced as provided in and as limited by this section. The maintenance, repair, or replacement be within the existing footprint and should not increase the nonconformity.
c. Changes to interior walls or non structural improvements may be made to nonconforming structures.

d. A building or structure, nonconforming as to the bulk, dimensional and density requirements of this Master Program, may be added to or enlarged if such addition or enlargement conforms to the regulations of the zoning district in which it is located.
e. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

2) Residential structures shall be deemed "conforming" and not subject to the provisions of this Section 9.2 under the following conditions:

a. the residential structure or appurtenant structure was *legally* established and used for a conforming use when established;
b. the residential structure or appurtenant structure is not an over-water structure;
c. the residential structure or appurtenant structure is non-conforming solely because it no longer meets the current standards for: setbacks, buffers, or yards; area; bulk; height; or density; and
d. redevelopment, expansion, change of occupancy class, or replacement of the residential structure is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

For purposes of this provision, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures. Nothing in this section affects the application of other federal, state, or local government requirements to residential structures.

9.3 Existing Lots

Undeveloped lots, tracts, parcels or sites located landward of the ordinary high water mark that were established prior to the effective date of the Act and this Master Program, but that do not conform to the present lot size or density standards are considered nonconforming lots of record and are legally buildable subject to the following conditions:

a. All new structures or additions to structures on any nonconforming lot must meet all setback, height, and other construction requirements of the Master Program, the Act, and must also comply with applicable design, building, and engineering standards.
b. Lot or boundary line adjustments must be reviewed and approved by the City of Port Orchard Planning Department, so as not to create further nonconformities.

CHAPTER 10: SHORELINE ENFORCEMENT AND PENALTIES

10.1 Shoreline Enforcement

The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that the violator enjoys, and the cost of obtaining compliance should be considered.

10.2 Penalties

Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of POMC 2.64, or as amended hereafter. The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service to the person incurring the same from the City. Failure to respond to the City in the time specified on the written notice may constitute a Public Nuisance, subject to the provisions of POMC 9.30.

10.2.1 Noncompliance – Any person who fails to conform to the terms of a permit issued under this Master Program, or who undertakes a development or use on the shorelines of the state without first obtaining a permit required by this Master Program, or who fails to comply with a Cease and Desist Order, a Stop Work Order, or abatement notice, issued under these regulations in compliance with POMC 2.64 shall also be subject to a civil penalty in accordance with POMC 2.64.030 (i) for each violation. Each permit violation and/or each day of continued use or development without a required permit shall constitute a separate violation.

Should the Shoreline Administrator or Code Enforcement Officer have reasonable cause to believe that the situation is so adverse as to preclude written notice, he may take the measures to eliminate the hazardous situation; provided, that he shall first make a reasonable effort to located the owner or responsible party before acting. In such instances, the person or persons holding title to the subject property shall be obligated for the payment to the city of all costs incurred by the city.

10.2.2 Aiding and Abetting – Any person who, through an act of commission or omission, or procedures, aids or abets a violation shall be considered to have committed a violation to be punished by a civil penalty.

10.2.3 Abatement – Within thirty (30) days of written notice of violation, a Cease and Desist Order, or Stop Work order, if no agreement for remission or mitigation can be agreed upon, the City may acquire jurisdiction to abate the condition at the violators expense in accordance with POMC 9.30.060 (Ordinance 1724, 1998). Upon abatement of the violation or condition, or any portion thereof by the City, all expenses thereof shall constitute civil debt owing to the City

jointly and separately by the persons who have been given notice as provided herein. The debt shall be collectable in the same manner as any other civil debt owing to the City, including placement of a lien against the affected property at the office of the Kitsap County Auditor.

10.2.4 Mandatory Civil Penalties – Issuance of civil penalties is mandatory in the following instances:

a) The violator has ignored the issuance of an order or notice of violation by the City.
b) The violation causes or contributes to significant environmental damage to shorelines of the state, as determined by the City or the Department of Ecology.
c) A person causes, aids, abets in a violation within two (2) years after issuance of a similar regulatory order, notice of violation, or penalty by the City or the Department against said person.

10.3 Violations – Subsequent Development and Permits

No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program after it was in effect. The Shoreline Administrator or Code Enforcement Officer shall bring actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of the Act and/or of this Master Program, and to otherwise enforce the provisions of both.

10.4 Public and Private Redress

10.4.1 Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or conditions of a permit issued pursuant to the SMP shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. Further, a civil infraction may be issued by the Code Enforcement Officer in accordance with POMC 2.64.030 (Ordinance 1892, 2003 and Ordinance 1844, 2002).

10.4.2 Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute and imminent danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in POMC 9.30.060 (Ordinance 1724, 1998).

CHAPTER 11: MASTER PROGRAM REVIEW, AMENDMENTS AND ADOPTION

11.1 Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information, improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearings consistent with state and local requirements.

11.2 Amendments to the Shoreline Master Program

Any provisions of this Master Program may be amended as provided for in RCW 90.58.120 and 90.58.200 and WAC 173-26. Amendments or revision to the Master Program, as provided by aw, do not become effect until approved by the Washington State Department of Ecology.

Proposals for changes to shoreline environment designations must demonstrate consistency with the criteria set forth in WAC 173-22-040

11.3 Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

11.4 Effective Date

This Master Program shall take effect on March 28, 2013 and shall apply to new applications submitted on or after that date and to incomplete applications submitted prior to that date.

DRAFT CHAPTER 12 - DEFINITIONS

Accessory Building – A separate building attached to or detached from the principal building and used for purposes customarily incidental to the use of the principal building. Accessory buildings can include, but are not limited to: garage, shed, playhouse, cabana, hobby room, etc.

Accessory Dwelling Unit (ADU) – A separate, complete swelling unit attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

Accessory Use – A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accretion – The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, and hooks.

Act – The Shoreline Management Act of 1971, as amended (RCW Chapter 90.58).

Activity – An occurrence associated with a use; the use of energy toward a specific action or pursuit including, but not limited to fishing, boating, swimming, shellfish harvest, etc.

Administrator – The Shoreline Administrator is the City of Port Orchard Development Director, or designee, charged with administering the Shoreline Master Program.

Agriculture - The cultivation of soil, production of crops, and/or raising of livestock.

Agricultural activities – Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as the result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural products – Agricultural products includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, see, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, mean, upland finfish, poultry and poultry products, and dairy products.

Agricultural equipment and agricultural facilities – Includes, but is not limited to:

a) The following used in agricultural operations: Equipment machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains.

b) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands

c) Farm residences and associated equipment, lands, and facilities

d) Roadside stands and on-farm markets for marketing fruit or vegetables

Agricultural land – Those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

Amendment – A revision, update, addition, deletion and/or reenactment to the Port Orchard SMP.

Anadromous Fish – Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn and reproduce.

Approval – An official action by the City of Port Orchard agreeing to submit a proposed SMP or amendments to the Department of Ecology for review and official action pursuant to the SMA.

Aquaculture – The culture and farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery or upland finfish.

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.

Archaeology – The systematic recovery by scientific methods of material evidence remaining from human life and culture in past ages, and the detailed study of this evidence.

Assessed Value – The value of land and/or improvements as determined by the Kitsap County Assessor.

Associated Wetlands – Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

Backshore – The shore area wetted by storm tides but normally dry between the coastline and the high tide line. It may be a narrow gravel berm below a sea bluff or a broader complex of berms, marshes, meadows, or dunes landward of the high tide line.

Bathymetry, Bathymetrics - The measurement of water depth at various locations in a body of water, and; the information derived from such measurements.

Beach – The zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

Beach feeding – A process by which beach material is deposited at one or several locations in the updrift portion of a driftcell. The material is then naturally transported by a wave's downdrift to stabilized or restore eroding beaches or berms.

Benthic – Of or having to do with the bottom of oceans or seas.

Berms – A linear mound of sand or gravel that is placed parallel to the shore at or above ordinary high water mark. It may be a natural or a manmade feature.

Best Management Practices (BMPs) – BMPs are methods of improving water quality. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters. The term "best management practices" is typically applied to nonpoint source pollution controls.

Bioengineering – The practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric, or other soil stabilization techniques, and limited rock toe protection where appropriate.

Bioengineering projects often include fisheries habitat enhancement measures in project design. The use of bioengineering is seen as an alternative to riprap, concrete, or other structural solutions.

Biofiltration System – A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

Biota – Animals and plants that live in a particular location or region.

Boat House – A structure designed for storage of vessels located over water or in upland areas. Boat houses do not include any sort of residential development (i.e. houseboats).

Boat Launch – Graded slopes, slabs, pads, planks or rails used for launching boats by means of a trailer, hand, or mechanical device.

Boat Lift – A mechanical device that can hoist vessels out of the water for storage, repair, or maintenance.

Boat Ramp – See "boat launch" above.

Boating Facilities – Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types, covered moorage, and marine travel lifts.

Breakwater – A structure, either rigid or floating, constructed offshore to protect beaches, bluffs, dunes or harbor areas from wave action.

Buffer – A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, or to provide habitat for wildlife.

Building Height – The vertical height or distance from the uphill elevation of the lower or either the existing or finished grade at the foundation or slab to the highest point of the roof of the building. If the uphill elevation line is not level, the average uphill elevation shall be the basis for the measurement.

Bulkhead – A solid or open pile wall usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect marine bluffs by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting. Bulkheads are typically constructed of concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations.

Buoy – A floating device anchored in a waterbody for navigational purposes or moorage. See also "mooring buoy."

Campground – An outdoor area established for recreational overnight accommodations.

Channel – An open conduit for water either naturally or artificially created.

City – The City of Port Orchard, Washington.

Clearing – The destruction or removal of vegetation, ground cover, shrubs and trees including, but not limited to, root material removal that affects the erosive potential of soils.

Covered Moorage – Boat moorage, with or without walls, that has a roof to protect vessels.

Commercial – Commercial developments are those uses that include wholesale, retail, service or business trade activities.

Comprehensive Plan – The document, including maps, adopted by the City Council that outlines the City's goals and policies relating to the management of growth, and prepared in accordance with RCW 36.70A.

Conditional Use – A use, development, or substantial development which is classified as a conditional use or a use which is not classified within the Master Program.

Conservancy – An area with valuable natural, cultural, or historical resources.

County – Kitsap County, Washington.

Creek – A small stream, often a shallow or intermittent tributary to a river.

Critical Areas – Aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and critical drainage corridors, geologically hazardous areas, wetlands and streams.

Cumulative Impacts – The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Development – A use consisting of the exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel, or minerals, bulkheading, pile driving, placement of any obstruction, or any project of a permanent or temporary nature which interferes with the normal public use of the waters overlying lands subject to this Master Program at any state of water level.

Dike – An embankment usually placed within or near the edge of a flood plain to protect adjacent lowlands from flooding.

Dock – A landing and moorage facility for watercraft that abuts the shoreline and does not include recreational decks, storage facilities, or other appurtenances.

Downdrift – The direction of movement of beach materials.

Dredging – The removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, inlet, bay, or other water body and associated wetlands.

Drift Cell – A geographic unit along the shore. Each begins at a sediment source along an eroding shoreline, often at the base of "feeder bluffs." Sediment is transported within the drift cell by currents and wind-blown waves, finally being deposited at an accretion shoreform (e.g. spits, sandbars, accretion beach) marking the end of the drift cell.

Dwelling unit – One or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities, lavatory, and closet, and rooms with internal accessibility, for use soley by the dwelling's occupant; including but not limited to bachelor, efficiency and studio apartments, modular and manufactured homes.

Dwelling unit – multifamily – A residential structure designed for occupancy by more than one family household that is built in combination with other residential structures. Each dwelling unit in the structure is built exclusively for occupancy by a single family with no other uses except accessory activities. However, a multifamily structure may share one or more common walls and stack units on multiple floors. Multifamily residential structures may be clustered on a site, located on a lot line (zero lot line), and include stacked multiplex, garden apartments, and other prototypes.

Ecological Function – Work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecosystem-wide processes – The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition, an dspecific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Enhancement – An action approved by the Shoreline Administrator and taken with the intention on probably effect of improving the condition and function of a shoreline area, such as improving environmental functions in an existing, viable shoreline habitat by means of increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, or removing nonindigenous or invasive plant or animal species. Or, alteration of an existing resource to improve or increase ecological characteristics and processes without degrading other existing functions.

Environmental Impacts – The effects or consequences of actions on the natural and built environments.

Erosion – The group of natural processes including weathering, dissolution, abrasion, corrosion, and transporting by which earth or rocky material is removed from any part of the earth's surface. Erosion can be exacerbated by human action, such as earth-moving or clearing activities.

Esplanade – A level stretch of ground, especially a public walk or walkway.

Estuary – The portion of a shoreline in which marine water is measurably diluted with fresh water from streams and/or land drainage.

Exaction – The act or process of exacting; extortion; something exacted; especially a fee, reward or contribution demanded or levied with severity or injustice.

Exemption – Development activity exempt from the requirements of the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still comply with the policies and standards of the Act, and this Master Program. Condition use and/or variance permits may also be required even though the activity does not need a substantial development permit.

Extreme Low Tide – The lowest line of the land reached by a receding tide.

Fair Market Value – The open market bid price of a property and associated improvements. Fair market value for a proposed development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, materials, and labor necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, and equipment and facility usage, transportation and contractor overhead and profit. The fair market value of a development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

Feasible – An action such as a development project, mitigation, or preservation requirement, that meets all of the following conditions: a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; b) the action provides a reasonable likelihood of achieving its intended purpose; and c) the action does not physically preclude achieving the project's primary intended legal use.

Feeder Bluff – A bluff or cliff experiencing periodic erosion from waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform.

Fill – The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

First Class Tidelands – The beds and shores of navigable tidal waters lying within or in front of the corporate limits of any city, or within one mile thereof, upon either side and between the line of the ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.

Float – A floating structure, not connected to the shoreline, that is moored, anchored, or otherwise secured in the water. A float may be accessible via a ramp connected to the shore.

Flood Control – Any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high precipitation or stream overflow.

Floodplain – The one-hundred year flood plain, or land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA.

Functions and Values – See "Ecological Functions."

Forest Practices – Any activity conducted on or directly related to forest land and related to growing, harvesting, or processing timber. These activities include, but are not limited to; road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control.

Gabions – Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geomorphology – The science dealing with the relief features of the earth and the processes influencing their formation.

Growth Management Act (GMA) – The Washington State Growth Management Act of 1990 and amended thereto. Codified in RCW 36.70A.

Grading – The movement or redistribution of soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale – A vegetated drainage channel that is designed to remove pollutants from stormwater runoff through biofiltration.

Groin – A barrier-type structure extending from the backshore or streambank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water and/or deposition of materials.

Guidelines – Those standards adopted by the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

Habitat – The place or type of site where a plant or animal naturally or normally lives and grows.

Harbor Area – The area of navigable tidal waters as determined in Section 1, Article 15 of the Washington State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Hearing Examiner – The Hearing Examiner of the City of Port Orchard.

Hearings Board – The Shoreline Hearings Board established by the Shoreline Management Act.

Height, Building – See "building height."

Hook – A spit or narrow cape of sand or gravel which turns landward at the terminal end.

Hydraulic Project Approval (HPA) – The permit issued by the Washington Department of Fish and Wildlife pursuant to RCW 75.20.100-140.

Hydric Soil – Soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s), thereby influencing the growth of plants.

Industry – The production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials is considered part of the industrial process.

Inner Harbor Line – A line located and established in navigable tidal waters between the line of ordinary high tide and the out harbor line and constituting the inner boundary of the harbor area.

In-kind Replacement – To replace natural or man-made features with features whose characteristics closely match those which were destroyed, displaced, degraded or removed by an activity.

Intertidal – The vertical zone between the average high and average low tides. The intertidal zone of a stationary structure or bank is subject to alternate wetting and drying.

Jetty – A structure projecting out into the sea at the mouth of a river for the purpose of protecting a navigational channel, a harbor, or to influence water currents.

Landfill – The creation of dry upland areas by the deposition of sand, soil, or gravel into a body of water or wetland.

Levee – A large dike or embankment which is designed as part of a system to protect land from floods.

Littoral Drift – The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Marina – A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial water craft.

Master Program – See "shoreline master program."

May – Means the action is acceptable, provided it conforms to the provisions of WAC 173-26.

Mitigation – The process of avoiding, reducing, or compensating for environmental impact(s) of a proposal.

Moorage – Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a dock or buoy).

Mooring Buoy – A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

Must – Means a mandate; the action is required.

Navigable Waters – Those waters lying waterward of an below the line of navigability on lakes not subject to tidal flow, or extreme low tide mark in navigable tidal waters, or the outer harbor line where harbor area has been created.

Non-conforming Use or Development – A shoreline use or structure or portion thereof which was lawfully constructed or established prior to the effective date of the SMA or local Shoreline Master Program or amendments, but no longer conforms to the policies and regulations of the Master Program.

Non-water-oriented Use – A use which has little or no relationship to the shoreline and is not considered a priority use under the SMA. All uses which do not meet the definition of water-dependent, water-related or water-enjoyment are classified as non-water-oriented uses. Examples may include, but are not limited to professional offices, gas stations, auto dealerships, convenience stores, general retail, etc.

Normal Maintenance – Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

Normal Repair – To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects upon the shoreline resource environment.

Noxious Weed – Any plant that is invasive, and is listed on the state noxious weed list in WAC 16-750.

Offshore – The sloping subtidal area seaward from low tide.

Offshore Moorage Device – An offshore device anchored or otherwise attached to the sea bottom used to moor watercraft.

Off-site Compensation – Compensation for lost or degraded wetlands or other shoreline environmental resources by creating or restoring these areas on lands other than the site on which the impacts were located.

OHWM – See Ordinary High Water Mark

On-site Compensation – Compensation for lost or degraded wetlands or other shoreline environmental resources by creating or restoring these areas at or adjacent to the site on which the impacts were located.

One-hundred Year Flood – The maximum flood expected to occur during a one-hundred year period.

Open Space – A land area allowing view, use or passage that is almost entirely unobstructed by buildings, paved areas, or other manmade structures.

Ordinary High Water Mark (OHWM) – That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

Outer Harbor Line – A line located and established in navigable waters as provided in Section 1 of Article 15 of the Washington State Constitution, beyond which the State shall never sell or lease any rights whatsoever.

Over-water Structures – Structures built waterward of the OHWM including, but not limited to, piers, docks, jetties, dwelling units, and breakwaters.

Permit – A shoreline substantial development permit, variance, or conditional use permit, permit revision, or any combination thereof.

Person – An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

Pier – A fixed, pile-supported structure built over the water, used as a landing place for marine transport or for recreational purposes.

Pocket Beach – An isolated accretion beach bordered by shoreline modifications.

Pollutant – Any substance that has been or may be determined to cause or tend to cause injurious, corrupt, impure, or unclean conditions when discharged to surface water, air, ground, sanitary sewer system, or storm drainage system.

Priority Habitat – A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes;

- Comparatively high fish or wildlife density
- Comparatively high fish or wildlife species diversity
- Fish spawning habitat
- Important wildlife habitat
- Important fish or wildlife seasonal range
- Important fish or wildlife movement corridor
- Rearing and foraging habitat
- Important marine mammal haul-out
- Refugia habitat
- Limited availability
- High vulnerability to habitat alteration
- Unique of dependent species
- Shellfish bed

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

Priority Species – means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish & Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Priority Use – The Shoreline Management Act and this Master Program give preference to shoreline uses that are water-dependent or water-related, provide public access and recreational use of the shoreline, as well as other uses which provide an opportunity for substantial numbers of people to enjoy the shoreline and to single-family residences.

Provisions – Policies, regulations, standards, guideline criteria or environment designations.

Public Access – A means of physical approach to and along the shoreline available to the general public. This may also include visual access. Provision of public access is a non-profit activity.

Public Interest – The interest shared by citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Public Use – To be made available daily to the general public on a first-come, first-served basis.

RCW – Revised Code of Washington

Recreational Facilities – Facilities such as parks, trails, pathways, campgrounds, and swim rafts that provide a means for relaxation, play, or amusement.

Revetment – A sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against currents and wave action. Revetments are most commonly built of randomly placed boulders (riprap) but may also be built of sand cement bags, paving, or building blocks, gabions, or other systems and materials.

Riprap – A loose assemblage of broken rock or concrete erected in or near water for protection from wave and current action.

Rock Weir – A structure made of loose rock that is designed to control sediment movement, water flow, or both. A rock weir adjacent to a shoreline is typically formed by placing rock in a line outward from the shore, with the top of the rock embankment below the water level to restrict current movements parallel to the shore without completely blocking flow.

SEPA – State Environmental Policy Act

SEPA Checklist – A form, available at the City, which is required of some projects to identify the probable significant adverse impacts on the environment. The checklist will assist the responsible official with making a determination of significance or nonsignificance.

Sea Wall – A bulkhead, for the primary purpose of armoring the shore from erosion by waves, which also may incidentally retain uplands or fills. Sea walls are usually larger than bulkheads because they are designed to resist the full force of waves.

Setbacks – The distance between buildings or uses and their lot lines as established in the Land Use Regulatory Code or the Shoreline Master program.

Shorelands – Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark, including all wetlands associated with the shoreline which are subject to the provisions of the Shoreline Management Act and this Master Program, and to determination by the Department of Ecology.

Shoreline Administrator – See "Administrator."

Shoreline Permit – See "Permit."

Shorelines – All the water areas within the state, including reservoirs, and their associated wetlands, together with all underlying lands, EXCEPT 1) shorelines of statewide significance; 2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the associated wetlands; and 3)shorelines on lakes of less than 20 acres in size and their associated wetlands.

Shorelines of Statewide Significance – Shorelines designated by the Shoreline Management act of 1971. Sinclair Inlet and adjacent saltwaters lying seaward of the extreme low tide are identified as a Shoreline of Statewide Significance.

Shorelines Hearings Board – A state-level quasi-judicial body, created by the Shoreline Management Act, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government of DOE approval of master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of the State – The total of all shorelines and shorelines of statewide significance.

Sign – Any visual communication device, structure, fixture, placard, painted surface, awning, banner, or balloon using graphics, lights, symbols, and/or written copy designated specifically for the purpose of advertising, identifying, or promoting the interest of any person, institution, business, event, product, goods, or services; provided, that the same is visible from any public right-of-way or waterway.

SMA – See Shoreline Management Act.

State Environmental Policy Act (SEPA) – SEPA requires state agencies, local governments and other lead agencies to consider environmental impacts when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Stream – A body of running water that moves over the land surface in a channel or bed.

Structure – A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Substantial Development – Any developments of which the total cost or fair market value exceeds $5000, or any development which materially interferes with the normal public use of the water or shorelines of the state; EXCEPT as specifically exempted pursuant to RCW 90.58.030(3e).

Taking – The act of one who takes; something taken, as a catch of fish; informal receipts, especially of money; a government action assuming ownership of real property by eminent domain.

Upland – The area above and landward of the ordinary high water mark.

Use – The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance or operation of such activity with respect to the provision of this title. The definition of "use" also includes the definition of "development."

Utility – A service or facility that produces, transmits, stores, processes, or disposes of electrical power, gas, water, sewage, communications, oil, and the like. Utilities have been categorized as primary, accessory, and personal wireless facilities.

a) Primary utilities are services and facilities that produce, transmit, carry, store, process or dispose of power gas, water, sewage, communications (except wireless facilities), oil and the like.

b) Accessory utilities are small-scale distribution services directly serving a permitted shoreline use.

c) Personal wireless facilities include any unstaffed facility for the transmission and/or reception of personal wireless services. This can consist of an equipment shed or cabinet, a support structure, or an existing structure to achieve the necessary elevation, and the antenna or antenna array.

Variance – To grant relief from specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

Vegetation Removal – The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes impacts to functions provided by such vegetation. The removal of invasive or noxious weeks does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Water-dependent Use – A use which cannot exist in any other location than on the water and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, but are not limited to:

1) Public or private terminal/transfer facilities
2) Ferry terminals
3) Ship construction and repair facilities
4) Marinas and boat moorages
5) Tug and barge companies
6) Water transport dependent industries (e.g. pulp and lumber mills)
7) Fish processing plants requiring water transport
8) Float plane facilities
9) Aquaculture
10) Sewer outfalls

Water-enjoyment Use – A use providing passive and active recreation for a large number of people along shorelines. Through location, design, and operation, the use also provides the ability for the public to interact with the shoreline. To qualify as a water enjoyment use, the use much be open to the public with most, if not all, of the shoreline devoted to fostering human interaction with the shoreline. Water enjoyment uses include, but are not limited to:

1) Public waterfront parks
2) Public Beaches
3) Aquariums
4) Public restaurants
5) Resorts and convention centers with facilities open to the public
6) Retail and mixed commercial developments designed to enhance a waterfront location through expanse of views, amenities oriented to pedestrians, and other aesthetic design features.

Water-oriented Use – Any one or a combination of water dependent, water related, or water enjoyment uses.

Water-related Use – A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Water-related uses include, but are not limited to:

1) Warehousing of goods transported by water
2) Seafood processing plants
3) Gravel storage when transported by barge
4) Log storage

Wetlands or Wetland Areas – Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support , and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and (11). The definition set forth in Chapter 90.58 shall also apply as used herein.

Wireless Facilities – See “Utilities.”

APPENDIX A –
Shoreline Maps

CITY OF PORT ORCHARD

CITY OF PORT ORCHARD

APPENDIX A1 – Shoreline Jurisdiction Maps

CITY OF PORT ORCHARD

City of Port Orchard
Shoreline Jurisdiction

Shoreline Jurisdiction

City Boundary

Urban Growth Area

Blackjack Creek

Big Lake

Square Lake

This map was created from existing map sources, not from field surveys. While great care was taken in using the most current map sources available, no warranties of any sort, including accuracy, fitness, or merchantability accompany this product. The user of this map assumes responsibility for determining its suitability for its intended use.
This map is not a substitute for field survey.

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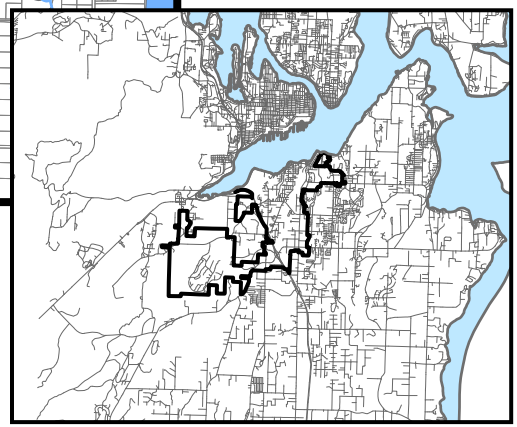
City of Port Orchard Planning Department
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 Fax: (360) 876-4980
www.cityofportorchard.us

APPENDIX A2 – Shoreline Environment Designation Maps

CITY OF PORT ORCHARD

Legend

- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Shoreline Segment Lines
- Port Orchard UGA
- City Boundary
- Waterbodies



0 0.1 0.2 0.4 0.6 0.8 Miles

N W E S

City of Port Orchard:
Shoreline
Environmental Designations

Segment 1

Legend

- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
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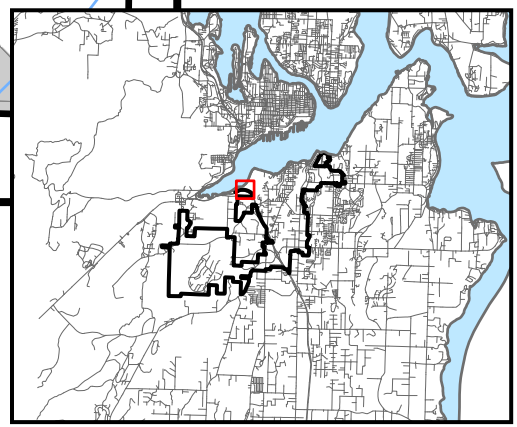

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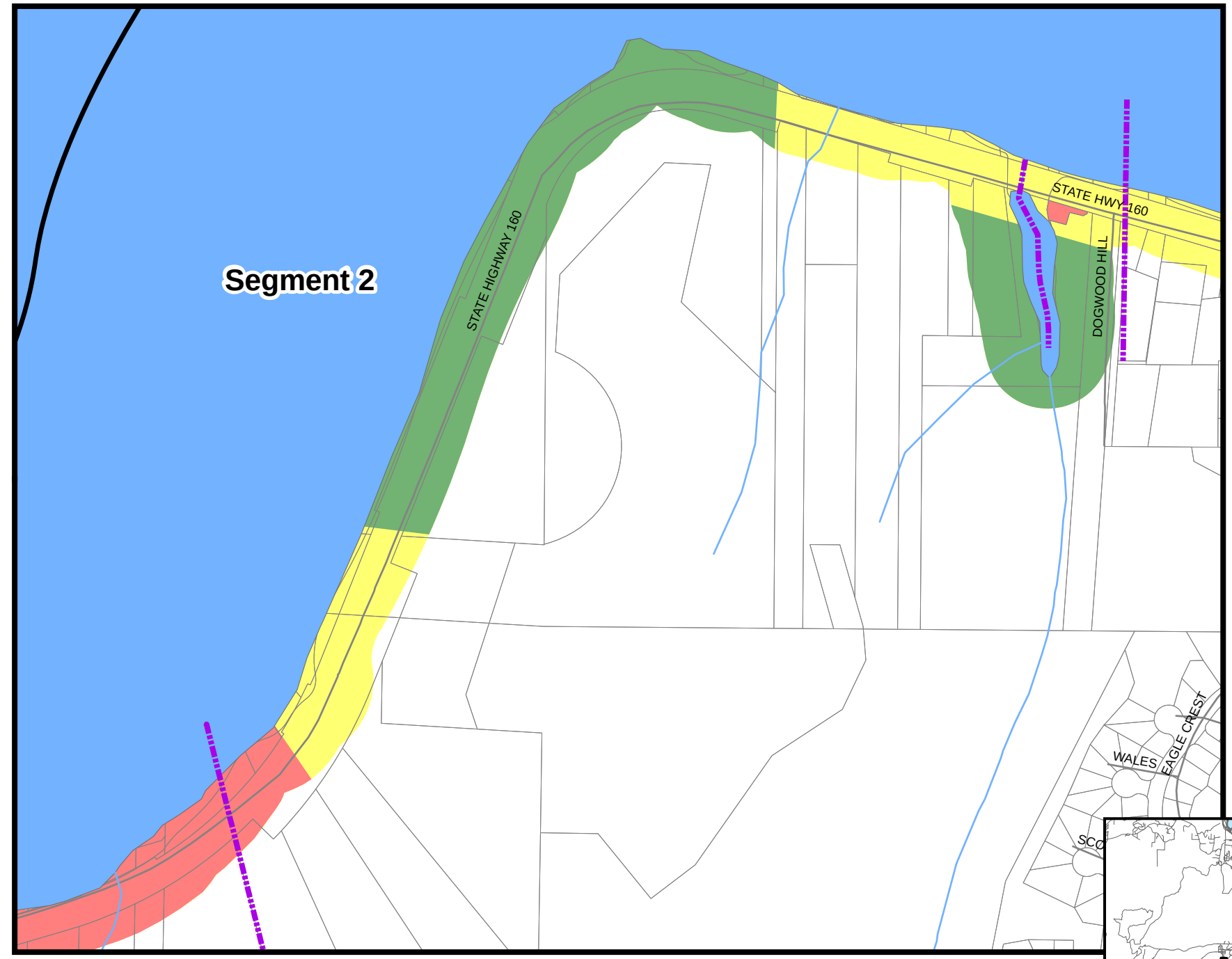
N W E S

City of Port Orchard:
Shoreline
Environmental Designations



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- NATURAL
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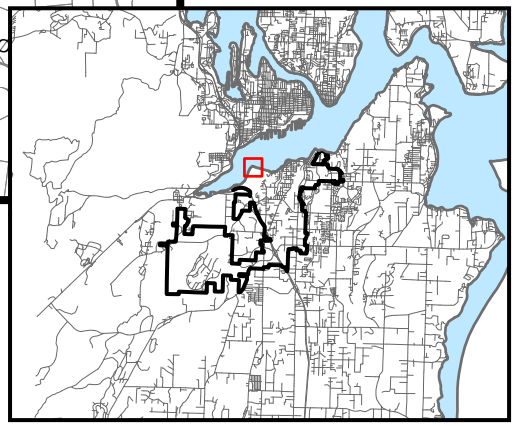

0 0.0125 0.025 0.05 0.075 0.1 Miles

N W E S

City of Port Orchard:
Shoreline
Environmental Designations

Segment 3

BREMERTON - PORT ORCHARD

PORT ORCHARD
SIDNEY
FREDERICK
BAY
PROSPECT
BANK
HARRISON
KITSAP
AUSTIN
DEKALB
DEKALB
HARRISON
HIGH
DWIGHT
DWIGHT
HARRISON
STATE HWY 160
WEST
DIVISION
DIVISION
CLINE
AUSTIN
SUTTON
DOGWOOD HILL
WILKINS
GRANT
HULL
SWEANY
SWEANY
ADA
SHORT
CASECO
TAYLOR
TAYLOR
HARRISON
SMITH
SMITH
AUSTIN
PORT ORCHARD
WEST
GRANT
KENDALL
KENDALL

Legend

- NATURAL
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- HIGH INTENSITY
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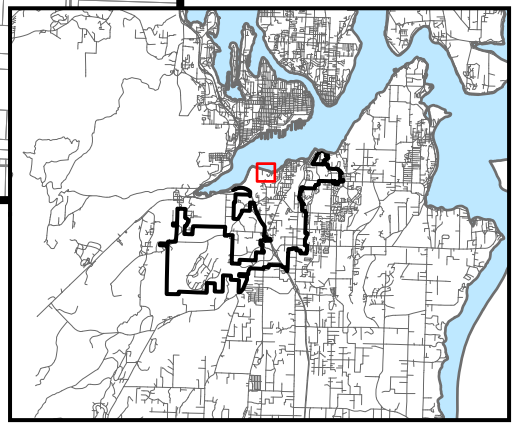


0 0.015 0.03 0.06 0.09 0.12 Miles

N W E S

City of Port Orchard:
Shoreline
Environmental Designations

Segment 4

Segment 7

Segment SB-1

BAY

HARRISON

SEATTLE

COLES

MORTON

ROCKWELL

KITSAP

HARRISON

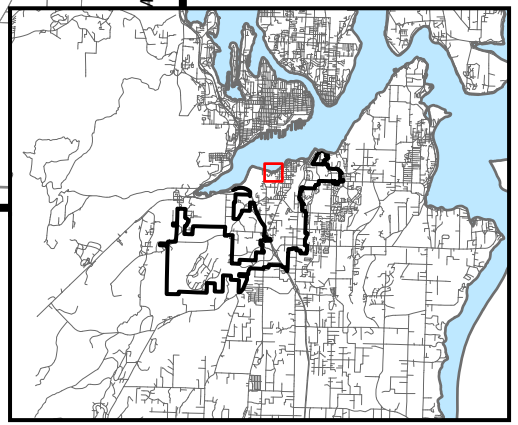
SEATTLE

Blackjack Creek

MITCHELL

Legend

- Shoreline Segment Lines
- City Boundary
- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Port Orchard UGA
- Waterbodies



0 0.005 0.01 0.02 0.03 0.04 Miles

N W E S

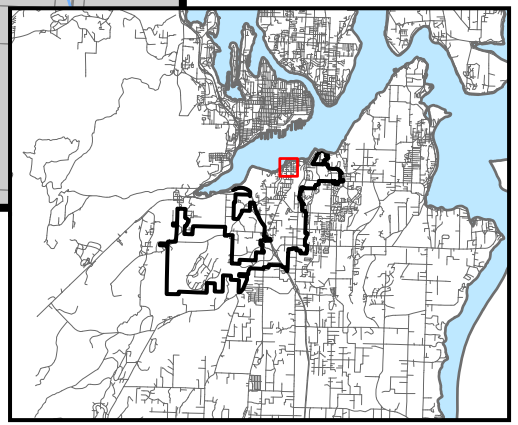
City of Port Orchard:
Shoreline
Environmental Designations

Segment 5

BAY
PERRY
LAWRENCE
ARNOLD
CHESTER
DECATUR
RETSIL
FARRAGUT
TRACY
WILLIAMS
MAHAN
EDWARDS
PORTER

Legend

- Shoreline Segment Lines
- City Boundary
- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Port Orchard UGA
- Waterbodies



0 0.005 0.01 0.02 0.03 0.04 Miles

N W E S

City of Port Orchard:
Shoreline
Environmental Designations

STATE HIGHWAY 160

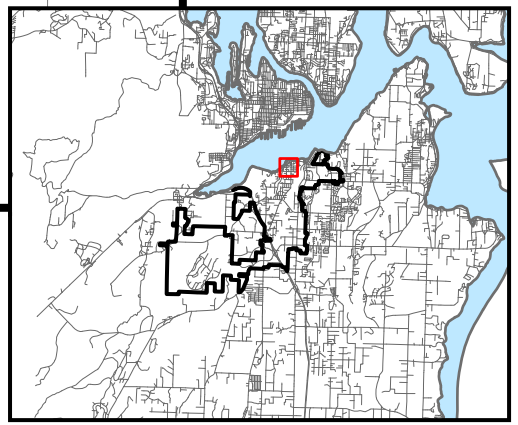
STATE HWY 160

DOGWOOD HILL

Segment 6

Legend

- Shoreline Segment Lines
- City Boundary
- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Port Orchard UGA
- Waterbodies



0 0.00375 0.0075 0.015 0.0225 0.03 Miles

N W E S

City of Port Orchard:
Shoreline
Environmental Designations

Segment 7

Segment 4

Segment SB-1

PERRY

BAY

FARRAGUT

STOCKTON

GUY WETZEL

TRACY

GUY WETZEL

MITCHELL

Blackjack Creek

Legend

- Shoreline Segment Lines
- City Boundary
- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
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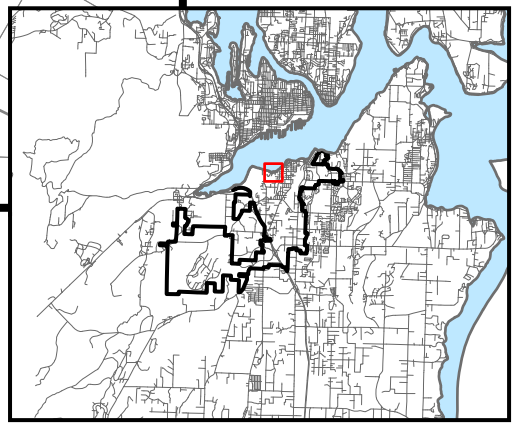


0 0.0035 0.007 0.014 0.021 0.028 Miles

N W E S

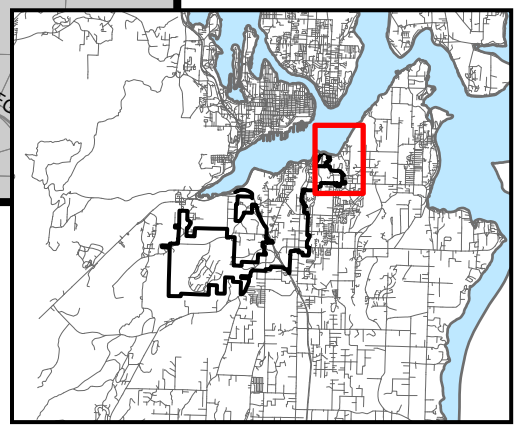
City of Port Orchard:
Shoreline
Environmental Designations

Legend

- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Shoreline Segment Lines
- Port Orchard UGA
- City Boundary
- Waterbodies

Segment 8

SACCO
RAMA
UNNAMED STREET
BEACH
BANCROFT
VISTA RAMA
LIDSTROM HILL
COLLINS
BAY
LAWRENCE
TRACY
DECATUR
RIDGEWAY
WASHINGTON
UNNAMED STREET
VAUGHN
LIDSTROM
AHLSTROM
ILLINOIS
STEAMBOAT
LIDSTROM
ARNOLD WILLIAMS
EDWARDS
1ST
2ND
3RD
OLNEY
RETSIL
PARK
MAPLE
4TH
TUFTS



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This map is not a substitute for a field survey.

0 0.02 0.04 0.08 0.12 0.16 Miles

N W E S

City of Port Orchard:
Shoreline
Environmental Designations

Legend

- Shoreline Segment Lines
- City Boundary
- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Port Orchard UGA
- Waterbodies

BAY

Segment SB-1

Blackjack Creek

PERRY

COLES

MORTON

ROCKWELL

MAPLE

MITCHELL

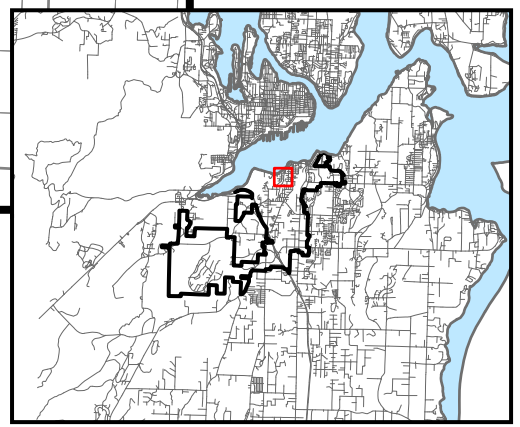
MORTON

KITSAP

KITSAP

DEKALB

DEKALB



0 0.0045 0.009 0.018 0.027 0.036 Miles

N W E S

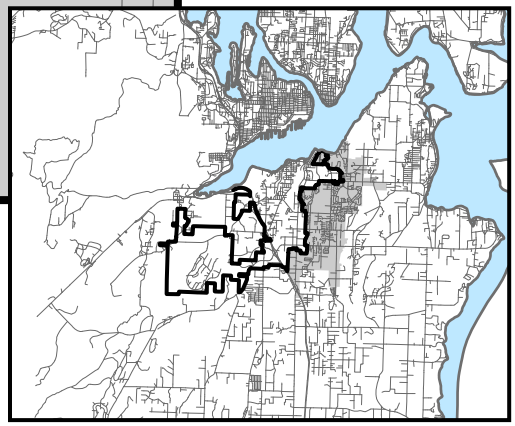
City of Port Orchard:

Shoreline Environmental Designations

Legend

- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Shoreline Segment Lines
- Port Orchard UGA
- City Boundary
- Waterbodies

Segment SB-2



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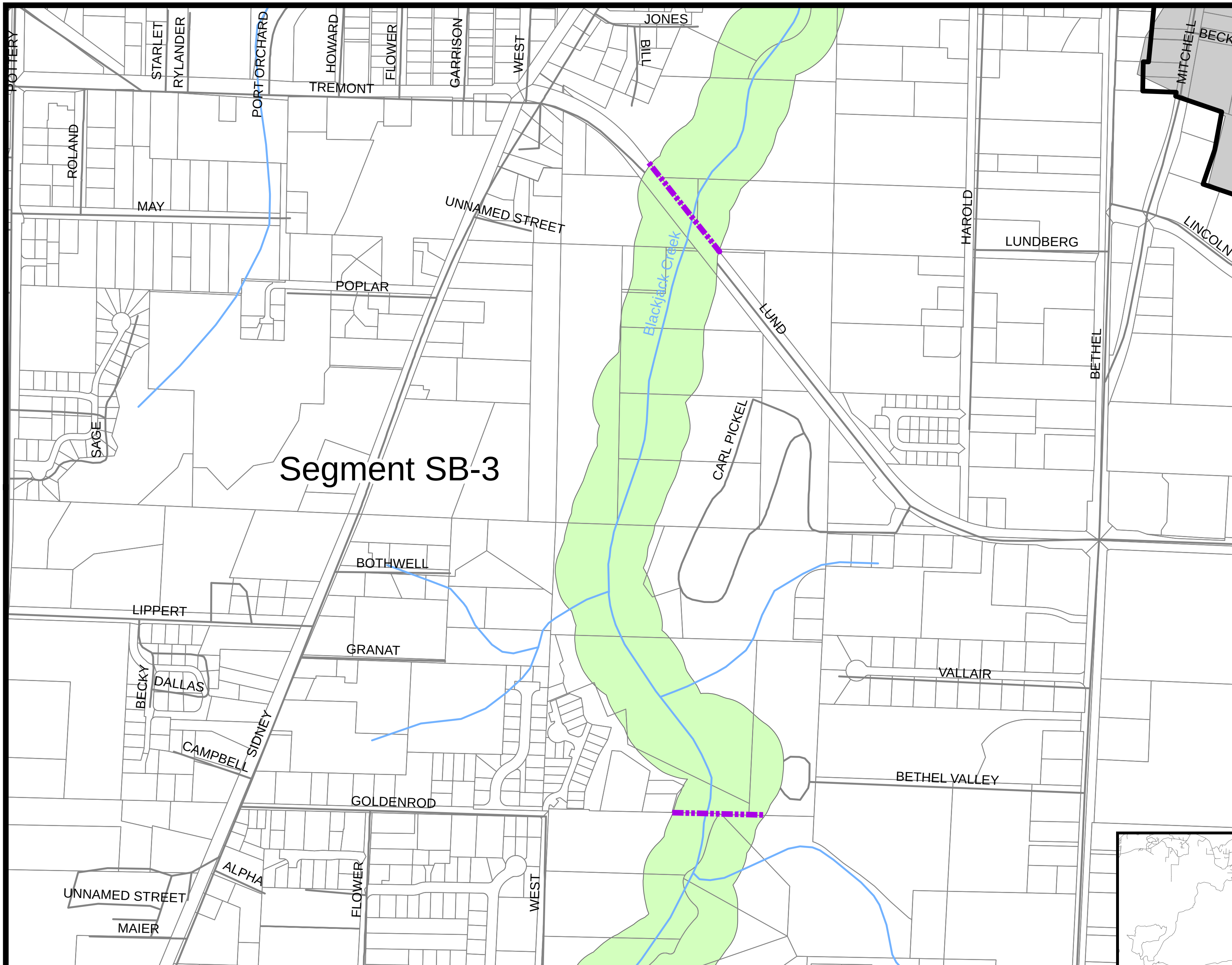
City of Port Orchard:
Shoreline
Environmental Designations



Legend

- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Shoreline Segment Lines
- Port Orchard UGA
- City Boundary
- Waterbodies

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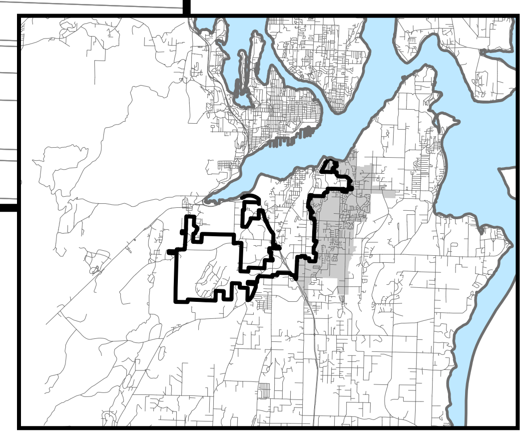
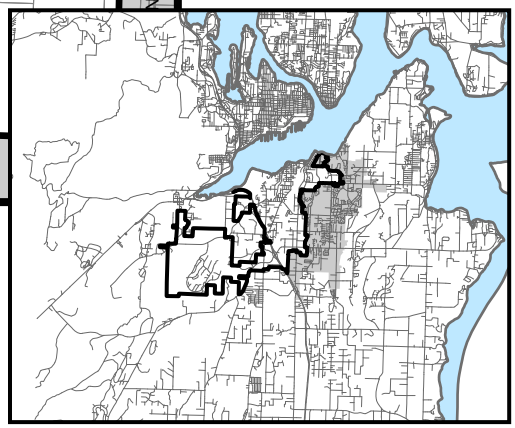
City of Port Orchard:
Shoreline
Environmental Designations



Segment SB-4

Legend

- NATURAL
- URBAN CONSERVANCY
- HIGH INTENSITY
- SHORELINE RESIDENTIAL
- Shoreline Segment Lines
- Port Orchard UGA
- City Boundary
- Waterbodies



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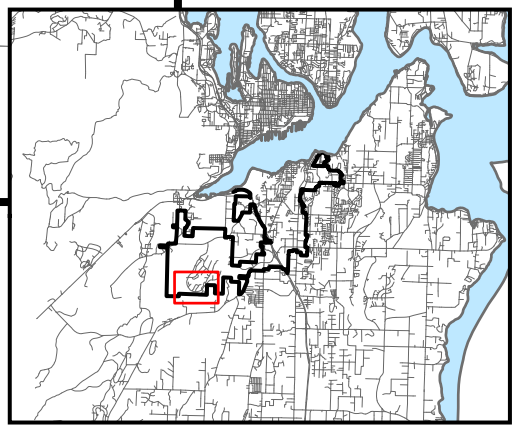
0 0.02 0.04 0.08 0.12 0.16 Miles

City of Port Orchard:
Shoreline
Environmental Designations

Legend

- Shoreline Segment Lines
- City Boundary
- NATURAL
- HIGH INTENSITY
- URBAN CONSERVANCY
- SHORELINE RESIDENTIAL
- Waterbodies
- Port Orchard UGA



0 0.03 0.06 0.12 0.18 0.24

City of Port Orchard:

Shoreline Environmental Designations:

Big Lake and Square Lake

APPENDIX B – Applicable Sections of City Critical Areas Ordinance

CITY OF PORT ORCHARD

CITY OF PORT ORCHARD

A. General Provisions – Critical Areas within Shoreline Jurisdiction:

1. Applicable Critical Area Regulations with in Shoreline Jurisdiction: The following critical areas shall be regulated in accordance with the provisions of Port Orchard Municipal Code (POMC) Chapter 18 Environmental Regulations, adopted via (Port Orchard City Ordinance 030-09 Section 3 (Exhibit A) (12/8/2009), which is herein incorporated into this Program, except for the provisions identified within the Port Orchard Shoreline Master Program as Appendix B, and except as noted below. Said provisions shall apply to any use, alteration, or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the provision adopted by reference and the Shoreline Master Program. Within shoreline jurisdiction, the regulations of Port Orchard Municipal Code (POMC) Chapter 18 shall be liberally construed together with the Program to give full effect to the objectives and purposes of the provisions of the Shoreline Master Program and the Act. If there is a conflict or inconsistency between any of the adopted provisions below and the Shoreline Master Program, the most restrictive provisions shall prevail.
    a. POMC 18.01.080 referencing "reasonable use exception." This exception shall not apply within shoreline jurisdiction.
    b. POMC 18.04.040(6) Decreased Buffer Provisions. The department may decrease buffer widths upon granting of a shoreline variance according to the procedures of the SMP Section 8.7.
        a. For minor new development, the department may administratively reduce the buffer by up to 25 percent, pursuant to the shoreline variance procedure of SMP 8.7.
        b. The minimum buffer shall be no less than 25 feet, except as allowed under a Shoreline variance pursuant to

(a) Definitions (POMC 18.02)

(c) Wetlands. (POMC 18.04)

B. Definitions within Shoreline Jurisdiction

1. Applicable Definitions with in Shoreline Jurisdiction: Definitions shall be regulated in accordance with the provisions of Port Orchard Municipal Code (POMC) Chapter 18 Environmental Regulations, adopted via (Port Orchard City Ordinance 030-09 Section 3 (Exhibit A) except for the provisions identified below.

2. Inapplicable Definitions: The following provisions of Port Orchard Municipal Code (POMC) Chapter 18.02 Definitions shall not apply within shoreline jurisdiction:

    (a) POMC 18.02.012 Aquaculture Practices,

    (b) POMC 18.02.212 Reasonable Use

    (c) POMC 18.02.214 Reasonable Use Exception

    (d) POMC 18.02.262 Wetlands

3. Definitions with in Shoreline Jurisdiction: The following definitions shall be applicable within the shoreline jurisdiction:

    (a) Aquaculture: "The culture and farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery or upland finfish."

    (b) Wetlands: "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-line swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and (11). The definition set forth in Chapter 90.58 shall also apply as used herein."

C: Wetlands within Shoreline Jurisdiction:

1. Applicable Definitions with in Shoreline Jurisdiction: Definitions shall be regulated in accordance with the provisions of Port Orchard Municipal Code (POMC) Chapter 18 Environmental Regulations, adopted via (Port Orchard City Ordinance 030-09 Section 3 (Exhibit A) except for the provisions identified below.

2. Inapplicable Definitions: The following provisions of Port Orchard Municipal Code (POMC) Chapter 18.04 Wetlands shall not apply within shoreline jurisdiction:

   (a) POMC 18.04.080 Application requirements

   (b) POMC 18.04.090 Determination of wetland boundaries

   (c) POMC 18.04.100 Wetland mitigation requirements

   (d) POMC 18.04.250 Incentives for wetlands protection

3. Wetlands with in Shoreline Jurisdiction: The following Wetland Regulations shall be applicable within the shoreline jurisdiction:

   (a) In lieu of POMC 18.04.080 Application requirements, the following wetland regulations shall apply within the shoreline jurisdiction.

   (1) Application Procedures for New Development within the shoreline jurisdiction. Any new development containing a regulated wetland or its buffer, or within 200 feet of a regulated wetland or its buffer, shall provide the following special reports, as required by the department, prior to any development authorization by the city. If an environmentally sensitive area is within 200 feet of the parcel but not on the parcel, every effort should be made to obtain the required information. The department may require additional reports or information to further identify potential impacts to any part of the environment:

   (a) Wetland report consistent with the provisions of WAC 173-26-221(2)(c)(i);

   (b) Wetland mitigation plan consistent with the provisions of WAC 173-26-221(2)(c)(i)

   (c) Erosion and sedimentation control measures and/or a site development activity permit as required by the city's stormwater management regulations consistent with the provisions of WAC 173-26-221(2)(c)(i);

   (b) In lieu of POMC 18.04.090 Determination of wetland boundaries, the following wetland regulations shall apply within the shoreline jurisdiction.

   (1) The determination of the wetland edge or boundary shall be done in accordance with the delineation methodology specified in of WAC 173-26-221(2)(c)(i), acceptable to the city or Washington State Department of Ecology. and as follows;

(a) Wetland Identification: Wetlands shall be identified in accordance with the requirements of RCW 36.70A.175 and 90.58.380 and shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

(b). Wetland Rating System: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Western Washington, revised August 2004 (Ecology Publication #04-06-025). These categories are generally defined as follows:

(1) Category I Wetlands: Category i wetlands are those wetlands of exceptional value in terms of protecting water quality, storing flood and storm water, and/or providing habitat for wildlife as indicated by a rating system score of 70 points or more. These are wetland communities of infrequent occurrence that often provide documented habitat for critical, threatened or endangered species, and/or have other attributes that are very difficult or impossible to replace if altered.

(2) Category II Wetlands: Category II wetlands have significant value based on their function as indicated by a rating system score of between 51 and 69 points. They do not meet the criteria for Category I rating but occur infrequently and have qualities that are difficult to replace if altered.

(3) Category III Wetlands: Category III wetlands have important resource value as indicated by a rating system score of between 30 and 50 points.

(4) Category IV Wetlands: Category IV wetlands are wetlands of limited resource value as indicated by a rating system score of less than 30 points. They typically have vegetation of similar age and class, lack special habitat features, and/or are isolated or disconnected from other aquatic systems or high quality upland habitats.

(2) The applicant shall be responsible for hiring a qualified wetland specialist to determine the wetland boundaries through a field survey. This specialist shall stake or flag the wetland boundary. For all new development, as required by the department, this line shall be surveyed by a professional land surveyor licensed in the state of Washington. The regulated wetland boundary and regulated wetland buffer shall be identified on all grading, landscaping, site, on-site septic system designs (BSAs), utility or other development plans submitted in support of the project.

(3) The department may perform a delineation of a wetland boundary on parcels where no more than one single-family dwelling unit is allowed.

(4) Where the applicant has provided a delineation of a wetland boundary, the department may verify the wetland boundary at the cost of the applicant and may request that adjustments to the boundary be made by a wetland specialist.

(C) In lieu of POMC 18.04.100 Wetland Mitigation Requirements, the following wetland regulations shall apply within the shoreline jurisdiction.

Regulated wetlands classification.

(1) Regulated Wetlands.
All natural wetlands that meet the criteria per the Federal Delineation Manual and Regional Supplement consistent with WAC 173-22-035

1) Mitigation Sequence. Projects permitted under this chapter will be reviewed subject to the provision of "no net loss" consistent with WAC 173-26-201(2)(e) and in the following order of preference with regard to regulated wetlands or their buffers:

(a) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(b) Avoid the impact by not performing a certain action or parts of an action;

(c) Minimize the impact by limiting the degree or magnitude of the action and its implementation;

(d) Mitigate through one of the following methods:

(i) Restore the impact by repairing or rehabilitating the affected environment;

(ii) Reduce or eliminate the adverse impact over time; and/or

(iii) Compensate for the impact by replacing, enhancing or providing alternative resources or environments within the same drainage basin

that substitute as closely as possible for the affected resources or environments (see subsection (2) of this section);

(iv) Mitigation for individual projects may include any combination of the above measures.

(2) Scope of Compensatory Mitigation. In making a determination of the extent to which mitigation shall be required subject to the provision of "no net loss" consistent with WAC 173-26-201(2)(e), the department will consider all of the following:

(a) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

(b) The functional characteristics of the wetland and its resource value within the watershed or sub-basin in which the wetland is located;

(c) The short- and long-term adverse impacts of the action upon the wetland and associated ecosystem, and the potential for repair of the impairment or loss;

(d) The category, size, and location of the wetland altered, and the effect it may have upon the surrounding system, watershed or wetland;

(e) Observed or predicted trends of gains or losses of this category of wetland in the watershed, considering qualitative and/or quantitative information about natural and human processes; and

(f) The likely success of the possible mitigation measures.

(3) Mitigation Plan Requirements. Any applicant required to perform compensatory wetland mitigation or contribute to a mitigation bank as a condition of approval for a development project shall submit a wetlands mitigation plan consistent with the provisions of WAC 173-26-221(2)(c)(i) to the department in accordance with Chapter 18.14 POMC.

(4) On-Site Compensatory Mitigation – General Requirements. Compensatory mitigation shall be required for projects in regulated Category I, II, III or IV wetlands or buffers when alteration of the wetland or buffer results in a loss to either wetland or buffer. The preferred compensation is on-site, in-kind; the least preferred compensation is off-site, out-of-kind compensation. The following requirements apply to compensatory mitigation plans:

(a) Any person who alters wetlands, such that they require compensatory mitigation, shall restore or enhance equivalent areas or greater areas of those wetlands in order to compensate for the loss (see Table 18.04.100).

(b) Where feasible, restored or enhanced wetlands shall be a higher category than the altered wetland.

(c) Compensation areas shall be determined according to function, size, type, location, time factors, ability to be self-sustaining and likelihood of mitigation success. Wetland functions shall be determined by a qualified wetland specialist using the best available information and technology.

(d) Compensation (mitigation) plans shall be completed and approved by the department prior to wetland alteration. Compensation shall be completed concurrent with the development activity unless a delay of the compensation project will reduce adverse impacts to the wetlands or improve the likelihood of success.

(e) Construction of compensation projects shall be timed to reduce adverse impacts to the wetlands. Grading and related earthwork should normally be limited to the period between May 1st and September 30th. Planting of vegetation shall be specifically timed to the needs of these plants. This may require the construction of the compensation area over several seasons.

(f) Areas that are used for compensatory mitigation must be protected from development and degradation. The applicant shall provide for long-term preservation of the compensation area through such protective mechanisms as conservation easements, critical area tracts, deed restrictions, or dedication to a local jurisdiction or a private or public land trust.

(g) The applicant shall demonstrate sufficient scientific expertise, supervisory and financial ability to fully implement the compensation measures. A performance bond, assignment of savings, or other like security will be required by the department in an amount necessary to provide for future site monitoring and possible corrective action required for compensatory mitigation projects. This

bond, assignment of savings, or the security will be released no later than five years after completion of the mitigation project.

(h) Site Selection. Compensation sites shall be selected in the following order of preference:

(i) Filled, drained, or cleared sites, which were formerly viable wetlands and where appropriate hydrology exists;

(ii) Upland sites within 200 feet of wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where appropriate natural sources of water exist.

(5) Wetland Replacement Ratios. The following ratios, as well as consideration of the factors listed in this section, and Table X, below, shall be used to determine the appropriate amounts of on-site created, restored or enhanced wetland that will be required to replace impacted wetlands. The first number specifies the amount of wetland area requiring replacement and the second specifies the amount of wetland area altered.

Table: Wetland Replacement Ratios

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage Site	Not considered possible	6:1	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on Function	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	18:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

(a) Open water may be enhanced by replacing structures that may have been removed in the past (large woody material, rocks, reefs, etc.).

(b) The department may increase or decrease the ratios based on one or more of the following:

(i) The probable success of the proposed restoration or enhancement;

(ii) The period of time between destruction and replication of wetland functions;

(iii) Projected losses in functions and value;

(iv) Replacement as a result of an illegal action.

(6) Off-Site Compensatory Mitigation.

(a) The department may allow off-site compensation mitigation if on-site compensation is not scientifically feasible due to natural conditions; or is not practical due to potentially adverse impacts from existing surrounding land uses; or proposed functions at the site of the proposed restoration are greater than the lost wetland functions.

(b) Off-site compensation will occur within an area where mitigation success is most likely and where there will be significant improvement to the water resource.

(c) Off-site compensation will occur in the same watershed (drainage basin) which is adversely impacted.

(d) Off-site mitigation will be accomplished through the purchase of credit in an established mitigation bank and/or other sites approved by the department.

(7) Monitoring Requirements. The city shall require monitoring reports on an annual basis for a minimum of three years, or until the department determines that the mitigation project has achieved success. The wetlands mitigation plan shall provide specific criteria for monitoring the mitigation project. Criteria shall be project-specific and a scientifically acceptable means to aid the department in evaluating whether or not the project has achieved success (see POMC 18.14.050 for wetland mitigation performance standards).

(8) Mitigation Banking. The city encourages the creation of a public or private mitigation banking system when feasible.

Wetland Development Standards

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland buffer scores 30-36 habitat points
I: Based on total score	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
I: Forested	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
I: Estuarine	150 feet	N/A	N/A	N/A
II: Based on score	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
III (all)	60 feet	Add 45 feet	Add 105 feet	N/A
IV (all)	40 feet	N/A	N/A	N/A

(5) Buffer Averaging. Standard buffer widths may be modified by the department for a development proposal by averaging buffer widths. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging. The buffer shall not be reduced by more than 25 percent of the standard buffer width at any point. The department may allow wetland buffer averaging where it can be demonstrated that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement. Averaging of buffer widths may be allowed where the applicant demonstrates one or more of the following:

(a) That the wetland contains variations in sensitivity due to existing physical characteristics;

(b) That low intensity uses would be located within 200 feet of areas where buffer width is reduced, and that such low intensity uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

(c) That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

(6) Decreased Buffer Provisions. The department may decrease buffer widths upon granting of a variance, according to the procedures of Chapter 18.01 POMC or through buffer averaging as outlined in subsection (5) of this section. Granting of a reduced buffer shall be the minimum necessary to

accommodate the permitted use. In lieu of going through the formal variance process, an administrative reduction to buffer widths may be granted subject to the following criteria:

(a) For minor new development, the department may administratively reduce the buffer by up to 25 percent, pursuant to the shoreline variance criteria listed in SMP 8.7. Where an administrative buffer reduction is granted, fencing or signage of the buffer edge shall be required. The order of sequence for such buffer reductions shall be as follows:

(i) Use of buffer averaging maintaining 100 percent of the buffer area under the standard buffer requirement;

(ii) Reduction of the overall buffer area by no more than 25 percent of the area required under the standard buffer requirement;

(iii) Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;

(iv) The use of alternative on-site wastewater systems in order to minimize site clearing;

(v) Infiltration of stormwater where soils permit; and

(vi) Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.

(b) For major new development, the department may reduce the buffer by up to 25 percent, where it can be demonstrated in a special report that enhancement of the existing low quality buffer can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement.

(c) A buffer enhancement plan must utilize native vegetation.

(d) The minimum buffer shall be no less than 25 feet, except as allowed under a shoreline variance pursuant to Section 8.7.

PORT ORCHARD MUNICIPAL CODE SECTION 18 ENVIRONMENTAL REGULATIONS

(EXCERPTED SECTIONS OF PORT ORCHARD ORDINANCE 030-09 SECTION 3)

Chapter 18.04
WETLANDS

Sections:

18.04.010 Purpose.

This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as categorized below. The intent of this chapter is to:

(1) Achieve no net loss and increase the quality and function of wetland acreage, functions and values within the city. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this chapter, the department may deny development proposals that would irreparably impact regulated wetlands;

(2) Protect the public expenditures that could arise from improper wetland uses and activities;

(3) Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this chapter and the other provisions of the critical areas ordinance;

(4) Preserve natural flood control, stormwater storage and drainage or stream flow patterns; and

(5) Prevent turbidity and pollution of wetlands, and fish or shellfish bearing waters to maintain the wildlife habitat. (Ord. 030-09 § 3 (Exh. A)).

18.04.020 Wetland categories.

(1) Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. For regulatory purposes, wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.

(2) The city uses the Department of Ecology's Washington State Wetland Rating System for Western Washington, Second Edition, 1993, or as amended hereafter to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. This system consists of four wetland categories (see Chapter 18.25 POMC, Attachments, Attachment A, for wetland categories). (Ord. 030-09 § 3 (Exh. A)).

(2) Nonregulated Wetlands.

(a) Category III wetlands: Isolated wetlands less than 2,500 square feet.

(b) Category IV wetlands: Isolated wetlands less than 10,000 square feet.

(c) Created wetlands: Wetlands created intentionally from a nonwetland site that were not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this title, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a nonwetland site. Where enhancements or restorations are made to nonregulated, or Category III or IV wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification. (Ord. 030-09 § 3 (Exh. A)).

18.04.040 Development standards.

For the purpose of the provisions of the critical areas ordinance, a regulated wetland and its buffer is a critical area.

(1) There shall be no activity allowed within a regulated wetland or its buffer unless specifically allowed under the CAO in Table 18.04.050. Any regulated uses not specifically listed in Table 18.04.050 shall be considered unclassified and may be allowed if granted a special use review in accordance with POMC 18.04.070.

(2) Buffers. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the department. No refuse shall be placed in the buffer.

(4) Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.

(7) Increased Buffer Provisions. The department may increase buffer zone widths for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values. Such determination shall be based on site-specific and project related conditions, which include, but are not limited to:

(a) Wetland sites with known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species;

(b) The adjacent land is susceptible to severe erosion and erosion control measures alone will not effectively prevent adverse wetland impacts;

(c) The adjacent land on the development proposal site has minimal vegetative cover or slopes greater than 30 percent; or

(d) The proposed development within 200 feet of the regulated wetland would be a high intensity use.

(8) Fencing and Signs. This subsection applies to those wetlands and their buffers that are within 200 feet of regulated development activities.

(a) Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the department, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per city approval.

(b) The department may require permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer. The department may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

(9) Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the department determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to the notice to title as required by POMC 18.01.100 (Critical area and buffer notice to title). (Ord. 030-09 § 3 (Exh. A)).

18.04.050 Regulated uses and activities.

(1) Major and minor new development activities on properties containing regulated wetlands and buffers are subject to the development standards in this chapter, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 18.04.050. The city may grant exceptions to these uses and activities according to the intent and specifications of the provisions of the critical areas ordinance. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the department and may be subject to mitigation as required by this title.

(2) Development shall be classified as “allowed,” “permitted,” “special use” (POMC 18.04.070) or “prohibited” according to this section. Any regulated uses not specifically listed in Table 18.04.050 shall be considered unclassified and may be allowed if granted a special use review in accordance with POMC 18.04.070. The wetland categories in Table 18.04.050 are defined in POMC 18.25.010 Attachment A. For the purpose of Table 18.04.050, “W” and “B” refer to the terms “wetland” and “buffer.”

Key:

A = Allowed outright

P = Permitted subject to development standards and underlying permit

S = Special use review required

X = Prohibited

Table 18.04.050: Regulated Uses and Activities in Regulated Wetlands and Buffers	**Category I**		**Category II**		**Category III**		**Category IV**	
	W	**B**	**W**	**B**	**W**	**B**	**W**	**B**
Agriculture – Existing and ongoing	A	A	A	A	A	A	A	A
Agriculture – Building (grazed wet meadows)	X	X	X	S	S	P	S	P
Agriculture conversion A. (Wetland dependent)	X	X	X	S	S	S	S	S
B. (Nonwetland dependent)	X	X	X	X	S	S	S	S
Bank stabilization	X	X	S	S	S	S	P	P
Boat ramp	X	X	S	S	S	S	S	S
Dock/float	S	S	S	S	S	S	P	P
Draining wetlands (associated with no other permitted use, except as allowed under POMC 18.01.040)	X	N/A	X	N/A	X	N/A	X	N/A
Education and scientific research (no permanent structures)	P	P	P	P	P	P	A	P
Enhancement	S	S	P	P	P	P	P	P
Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S
Fill (associated with no other use less than 0.49 acres)	X	X	X	X	X	X	S	S

Fish hatchery	X	X	S	S	S	S	S	S
Flooding (associated with no other use)	X	X	S	S	S	S	S	S
Forest practice – Class IV general or COHP	X	X	X	S	S	S	S	S
Golf course	X	X	S	S	S	S	S	S
Land division	P	P	P	P	P	P	P	P
Mineral extraction	X	X	S	S	S	S	S	S
Mooring buoy	P	P	P	P	P	P	P	P
Navigational aid	P	P	P	P	P	P	P	P
Parks – Public and private	S	S	S	S	S	S	P	P
Ponds – Stock watering	X	X	X	S	X	S	S	P
Public facility	X	X	X	S	S	S	S	S
Public project of significant importance	S	S	S	S	S	S	S	S
Radio/TV towers	X	X	S	S	S	S	S	S
Restoration/revegetation of site	S	S	P	P	P	P	P	P
Road/street – Public/private access Expand within:								
A. Existing ROW	S	S	S	S	S	S	P	P
B. New facilities	X	X	S	S	S	S	P	P
Signs (interpretation, hazard, critical area boundary, survey markers)	P	P	P	P	P	P	P	P
Site investigation	A	A	A	A	A	A	A	A
Stormwater, private R/D facility	X	X	X	S	S	S	S	S
Stormwater, regional R/D facility	X	X	X	S	S	S	S	S
Trails and trail-related facilities	S	S	S	S	P	P	P	P
Utility facility	X	X	S	S	S	S	S	S
Utility – On-site sewage facility	X	X	X	S	X	S	X	S
Utility line – Overhead	S	S	S	S	S	S	P	P
Utility line – Underground	X	S	S	S	S	S	S	S

(Ord. 030-09 § 3 (Exh. A)).

18.04.060 Additional development standards for regulated uses.
In addition to meeting the development standards above (POMC 18.04.040), those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

(1) Docks. Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in the city's shoreline master program and where no existing buffer or wetland vegetation would be significantly altered.

(2) Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of the critical areas ordinance, including the maintenance of buffers around regulated wetlands.

(3) Agricultural Restrictions. In all development proposals which would permit introduction of agricultural uses, damage to Category I, II and III regulated wetlands shall be avoided. These restrictions shall not apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification only where grazing has occurred within the last five years. Wetlands shall be avoided by one of the following methods:

(a) Implementation of a farm conservation plan agreed upon by the conservation district and the applicant to protect and enhance the water quality of the wetland; and/or

(b) Fencing located not closer than the outer buffer edge.

(4) Road/Street Repair and Construction. Any private or public road or street repair, maintenance, expansion or construction, which is allowed, shall comply with the following minimum development standards:

(a) No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Publicly owned or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street repair and construction are the minimum necessary to provide safe roads and streets;

(d) Mitigation shall be performed in accordance with specific project mitigation plan requirements.

(5) Land Divisions and Land Use Permits. All proposed divisions of land and land uses (including but not limited to the following: boundary or lot line adjustments, short plats, large lot subdivisions, master planned resorts, planned residential developments, conditional use permits, site plan reviews, binding site

plans) which include regulated wetlands shall comply with the following procedures and development standards:

(a) Regulated wetlands, except the area with permanent open water, and wetland buffers may be included in the calculation of minimum lot area for proposed lots; provided, that other standards, including subsection (5)(c) of this section, are met.

(b) Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be dedicated as open space tracts, or an easement or covenant encumbering the wetland and wetland buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan, and title.

(c) In order to implement the goals and policies of the provisions of the critical areas ordinance, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

(d) After preliminary approval and prior to final land division approval, the department may require the common boundary between a regulated wetland or associated buffer and the adjacent land be identified using permanent signs and/or fencing. In lieu of signs and/or fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland and buffer.

(6) Surface Water Management. The following stormwater management activities within wetland or buffer areas may be allowed only if they meet the following requirements, in addition to the development standards in this chapter and in conformance with all other stormwater management regulations:

Surface water discharges from stormwater facilities or structures may be allowed; provided, that the new surface water discharges to regulated wetlands from retention/detention facilities, presettlement ponds, or other surface water management structures may be allowed; provided, that the discharge does not significantly increase or decrease the rate of flow and/or hydroperiod, nor decrease the water quality of the wetland. Water quality treatment best management practices will be required prior to discharge. Pretreatment of surface water discharge through biofiltration or other means shall be required.

(7) Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:

(a) Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.

(b) Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.

(c) Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland.

(d) Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of 25 feet from the wetland edge, except where wetland crossings or viewing areas have been approved.

(e) Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided.

(8) Utilities in Wetlands or Wetland Buffers.

(a) The utility development authorized in POMC 18.01.040 shall be allowed, subject to best management practices in wetlands and wetland buffers in accordance with Table 18.04.040.

(b) Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports (Chapter 18.14 POMC) required by this title.

(c) Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in regulated wetland buffers only when:

(i) The applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation); and/or

(ii) There are no other practicable or reasonable alternatives available and construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed. Special use review (POMC 18.04.070) will be required when such activities occur in wetland buffers.

(d) New utility corridors shall not be allowed when the regulated wetland or buffer has known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the wetland or wetland buffer.

(e) New utility corridor construction and maintenance shall protect the regulated wetland and buffer environment by utilizing the following methods:

(i) New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet), measured on the uphill side.

(ii) New utility corridors shall be revegetated with appropriate native vegetation at preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure that such vegetation survives.

(iii) Any additional utility corridor access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.

(iv) The department may require other additional mitigation measures.

(f) Utility corridor maintenance shall include the following measures to protect the regulated wetland and buffer environment:

(i) Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, nor should lead-based paints be used.

(ii) No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the EPA and Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

(g) Parks. Development of public park and recreation facilities may be permitted; provided, that the following standards are followed:

No alteration of wetlands or wetland buffers is allowed except for such uses which are allowed in Table 18.04.050. For example, enhancement of wetlands and development of trails may be allowed in wetlands and wetland buffers subject to special use requirements and approval of a wetland mitigation plan. (Ord. 030-09 § 3 (Exh. A)).

18.04.070 Special use review.

Development identified as a special use review in Table 18.04.050 may be approved, approved with conditions, or denied according to the procedures and criteria outlined in this section and per the process identified in Chapter 16.06 POMC. Special use review is an administrative process unless the underlying

permit requires a public hearing. The department is authorized to take action on permits as required by this section.

(1) The department may approve a permit after review of the application and a wetland mitigation plan submitted in accordance with this chapter. The department shall determine whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with the spirit and intent of the provisions of the critical areas ordinance and it will not cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated. In taking action to approve a special use review, the department may attach reasonable conditions as necessary to minimize impacts, rectify impacts or compensate for impacts to the wetland or wetland buffer.

(2) The department shall deny a special use review request when it finds that the proposed use or activity is inconsistent with the provisions of the critical areas ordinance and/or will cause adverse impacts to the wetland or wetland buffer, which cannot be adequately mitigated and/or avoided.

(3) Special use review determinations are appealable to the hearing examiner pursuant to Chapter 16.06 POMC (appeals). (Ord. 030-09 § 3 (Exh. A)).

Chapter 18.06
FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

18.06.010 Purpose.

This chapter applies to all regulated uses included in the critical areas ordinance, or uses within 200 feet of areas designated as fish and wildlife habitat conservation areas, as categorized in POMC 18.06.020. The intent of this section is to:

(1) Preserve natural flood control, stormwater storage and drainage or stream flow patterns;

(2) Control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish;

(3) Prevent turbidity and pollution of streams and fish or shellfish bearing waters;

(4) Preserve and protect habitat adequate to support viable populations of native wildlife in both the city and Kitsap County; and

(5) Encourage nonregulatory methods of habitat retention whenever practical, through education, and the open space tax program. (Ord. 030-09 § 3 (Exh. A)).

18.06.020 Fish and wildlife habitat conservation area categories classification.

The following categories shall be used in classifying fish and wildlife habitat conservation areas:

(1) Streams. All streams which meet the criteria for Type S/1, F/2, Np/3, Ns/4 and 5 waters as set forth in the DNR Water Rating System (See Table 18.06.030).

(2) Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area. Those saltwater shorelines and lakes defined as shorelines of the state in the Shoreline Management Act of 1971 and the city's shoreline master program, as now or hereafter amended. Shorelines include: Type 1 waters as set forth in WAC 222-16-030 (DNR Water Rating System), as now or hereafter amended; commercial and recreational shellfish areas; kelp and eelgrass beds; and herring and smelt spawning areas.

(3) Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type 2, 3, 4 and 5 waters as set forth in WAC 222-16-030, as now or hereafter amended. This includes lakes and ponds less than 20 acres in surface area and their submerged aquatic beds, and lakes and ponds planted with game fish by a governmental or tribal authority.

(4) Wildlife Conservation Areas.

(a) Class I Wildlife Conservation Areas.

(i) Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened and sensitive species documented in maps or databases available to Kitsap County and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

(ii) Areas targeted for preservation by the federal, state and/or local government which provide fish and wildlife habitat benefits, such as important waterfowl areas identified by the U.S. Fish and Wildlife Service.

(iii) Areas that contain habitats and species of local importance.

(b) Class II Wildlife Conservation Areas.

(i) Habitats for state listed candidate and monitored species documented in maps or data bases available to Kitsap County and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

(ii) Habitats which include attributes such as comparatively high wildlife density; high wildlife species richness; significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include caves, cliffs, islands, meadows, old-growth/mature forest, snag-rich areas, talus slopes, and urban natural open space. (Ord. 030-09 § 3 (Exh. A)).

18.06.030 Development standards.

Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section:

(1) Buffers and Building Setbacks. Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 18.06.030. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas may be allowed for water-dependent and water-related activities subject to subsection (4) of this section, and for development authorized by shoreline variance criteria and procedures of SMP Section 8.7. The buffer width shall be increased to include streamside wetlands which provide overflow storage for storm waters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature. Refuse shall not be placed in buffers.

Table 18.06.030: Fish and Wildlife Habitat Conservation Area Development Standards

CATEGORY	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
Streams			
Water Type			For minor new development the department may reduce the buffer

S	200 feet	15 feet beyond buffer	width by up to 25% through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in POMC 18.04.040 (Wetlands) and POMC 18.08.030 (Geologically hazardous areas). Where such features occur on a site, the more restrictive buffer or building setback will apply.
F	150 feet	15 feet beyond buffer	
Np	50 feet	15 feet beyond buffer	
Ns	50 feet	15 feet beyond buffer	
Saltwater Shorelines, Lakes – 20 Acres and Greater (Defined as Waters of the State) as Regulated by the Port Orchard Shoreline Management Plan			
See POMC Chapter 19, Shoreline Master Program			
Lakes – Less Than 20 Acres (Non-Type 1 Waters of the State)			
Zoning Designation			Where applicable, refer to the development standards in POMC 18.04.040 (Wetlands) and POMC 18.08.030 (Geologically hazardous areas). Where such features occur on a site, the more restrictive buffer or building setback will apply.
Community Facilities	None	50 feet	
Commercial, Mixed Use	None	50 feet	
Employment	None	50 feet	
Greenbelt, Residential	None	35 feet	
Wildlife Habitat Conservation Areas			
Class I	Buffer widths and setbacks will be determined through mandatory habitat plan.		
Class II	Site-specific conditions will determine the need for the preparation of a habitat plan for buffer widths and setbacks.		

(a) Buffer Widths and Setbacks for Shorelines. The building setback or buffer width for new development shall be based on the city's shoreline master program environment designation.

(b) Provision for Decreasing Buffer. For minor new development, the department may decrease the buffer in consultation with the Washington State Department of Fish and Wildlife, and after review of a mitigation plan when required, if the city determines that conditions are sufficient to

protect the affected habitat. A habitat management plan (Chapter 18.16 POMC) may be required. The department may reduce the buffer width by up to 25 percent, but the buffer shall not be less than 25 feet. Granting of reduced buffer shall be the minimum necessary for the permitted use. The order of sequence for such buffer reductions shall be as follows:

(i) Use of buffer averaging maintaining 100 percent of the buffer area under the standard buffer requirement;

(ii) Reduction of the overall buffer area by no more than 25 percent of the area required under the standard buffer requirement;

(iii) Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;

(iv) The use of alternative on-site wastewater systems in order to minimize site clearing;

(v) Infiltration of stormwater where soils permit; and

(vi) Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.

(c) Provision for Increasing Buffer. The department may increase the buffer width whenever a development proposal has known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or when the buffer is located within a landslide or erosion hazard area.

(d) Streams in Ravines – Buffers. For streams in ravines with ravine sides 10 feet or greater in height, the minimum buffer width shall be the minimum buffer required for the stream type, or a buffer width which extends 25 feet beyond the top of the slope, whichever is greater.

(e) Conditional Buffer Alterations. Water-dependent structures and utilities may alter the required buffer when no other reasonable or practicable alternative exists and the development is consistent with the city's shoreline master program. Any alteration of a buffer shall be the least necessary and shall require, except for approved water dependent uses for minor new development, an approved habitat management plan, which adequately protects habitat values.

(f) Dedication of Buffers. Buffer areas shall be dedicated as permanent open space tracts or dedicated easements, functioning as critical areas buffers or as required by the department.

(2) Class I Wildlife Conservation Areas Development Standards. All development as described within this title or within 200 feet of designated Class I wildlife conservation areas shall adhere to the following standards:

(a) All sites with known locations of Class I wildlife conservation areas or sites within 200 feet to known locations of Class I wildlife conservation areas will require, for all development permits, the submittal and approval of a habitat management plan as specified in Chapter 18.14 POMC (Special Reports) by the department. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle protection rules (WAC 232-12-292), as now or hereafter amended shall satisfy the requirements for a habitat management plan (HMP). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.

(b) All new development within ranges and habitat elements with which Class I wildlife have a critical habitat may require the submittal of a habitat management plan (HMP) as specified in Chapter 18.14 POMC (Special Reports). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project.

(3) Class II Wildlife Conservation Area Development Standards. All development within designated Class II wildlife conservation areas shall adhere to the following standards:

All major new development within Class II wildlife conservation areas may require the submittal of a habitat management plan (HMP). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project.

(4) Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this title shall comply with the following minimum development standards:

(a) Bridges or bottomless culverts shall be required for all Type 1, 2 and 3 streams, which have salmonid breeding habitat. Other alternatives may be allowed upon submittal of a habitat management plan which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife, hydraulics project approval process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio;

(b) Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;

(c) Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

(d) Crossings shall not diminish flood carrying capacity;

(e) Crossings shall serve multiple properties whenever possible;

(f) Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

(5) Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife hydraulic project approval:

(a) The channel, bank and buffer areas should be replanted with native vegetation that replicates a natural, undisturbed riparian condition; and

(b) For those shorelands and waters designated as frequently flooded areas pursuant to Chapter 18.10 POMC, a professional engineer licensed in the state of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained;

(c) Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.

(6) Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those approved by the EPA and approved under a DOE water quality modification permit for use in fish and wildlife habitat conservation area environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

(7) Land Divisions and Land Use Permits. All proposed divisions of land and land uses (subdivisions, short subdivisions, short plats, long and large lot plats, planned residential developments, conditional use permits, site plan reviews, binding site plans) which include fish and wildlife habitat conservation areas shall comply with the following procedures and development standards:

(a) The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.

(b) Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts, or an easement or covenant encumbering the buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.

(c) In order to avoid the creation of non-conforming lots, each new lot shall contain at least one building site that meets the requirements of this title, including buffer requirements for habitat conservation areas. This site must also have access and a sewage disposal system location that are suitable for development and does not adversely impact the fish and wildlife conservation area.

(d) After preliminary approval and prior to final land division approval, the department may require the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the department to provide adequate protection to the aquatic buffer.

(e) In order to implement the goals and policies of this title, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the planned residential development process is strongly encouraged for projects within designated fish and wildlife habitat conservation areas.

(8) Agricultural Restrictions. In all development proposals, which would permit introduction of agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided by one of the following methods:

(a) Implementation of the farm conservation plan, agreed upon by the Kitsap conservation district and the applicant, to protect and enhance the water quality of the aquatic area; and/or

(b) Fencing located not closer than the outer buffer edge.

(9) Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in fish and wildlife habitat conservation areas or their buffers pursuant to the following standards:

(a) Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas;

(b) Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

(c) Viewing platforms, interpretive centers, benches and access to them shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area;

(d) Trails, in general, shall be set back from streams so that there will be no or minimal impact to the stream from trail use or maintenance. Trails shall be constructed with pervious surfaces when feasible.

(10) Utilities. Placement of utilities within designated fish and wildlife habitat conservation areas may be allowed pursuant to the following standards:

(a) The minor utility development authorized in POMC 18.01.040 shall be allowed within designated fish and wildlife habitat conservation areas, subject to best management practices.

(b) Construction of utilities may be permitted in fish and wildlife habitat conservation areas or their buffers, only when no practicable or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of special reports (Chapter 18.14 POMC) which may be required by this title.

(c) Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife habitat conservation areas or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements; there are no other practicable alternatives available; and construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed.

(d) New utility corridors shall not be allowed in fish and wildlife habitat conservation areas with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the conservation area.

(e) New Utility Corridor Construction. Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers.

(i) New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side;

(ii) New utility corridors shall be revegetated with appropriate native vegetation at not less than preconstruction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives;

(iii) Any additional corridor access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the conservation area.

(f) Utility corridor maintenance shall include the following measures to protect the environment of regulated fish and wildlife habitat conservation areas.

(i) Utility towers should be painted with brush, pad or roller and should not be sandblasted or spray painted, nor should lead-based paints be used.

(ii) Pesticides, Fertilizers and Herbicides. No pesticides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those herbicides approved by a licensed applicator in accordance with the safe application practices on the label.

(11) Bank Stabilization. A stream channel and bank, bluff, and shore may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the International Building Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall also be subject to the standards of the city's shoreline master program, and any floodplain management plan adopted by the city.

Where bank stabilization is determined to be necessary, bioengineering or other nonstructural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the proposed structure. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a site development permit and hydraulic project approval from the Washington Department of Fish and Wildlife.

Nonstructural shoreline protective techniques are preferred to bulkheads or other types of shoreline armoring. Nonstructural techniques include but are not limited to: beach nourishment; coarse beach fill; gravel berms; vegetation plantings and bioengineering.

(12) Fencing and Signs. Prior to approval or issuance of permits for land divisions and new development, the department may require the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the department to provide adequate protection to the buffer.

(13) Forest Practice, Class IV General and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this title, and the stormwater management regulations, including the maintenance of buffers, where required.

(14) Road/Street Repair and Construction. Any private or public road or street expansion or construction which is allowed in a fish and wildlife habitat conservation area or its buffer shall comply with the following minimum development standards:

(a) No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Expansion or construction of any private or public road shall only be allowed when adverse impacts cannot be avoided;

(c) Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(d) The road or street construction is the minimum necessary, as required by the department, and shall comply with the department guidelines to provide public safety and mitigated stormwater impacts;

(e) Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife in order to ensure habitat protection. (Ord. 030-09 § 3).

APPENDIX C - SHORELINE RESTORATION PLAN

CITY OF PORT ORCHARD

CITY OF PORT ORCHARD

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

1.1 Purpose

This Restoration Plan intended to meet the requirements of the Shoreline Management Act. WAC 173-26-201 (2(f)) is specific to restoration planning, and is in italics below.

(f) ***Shoreline restoration planning.*** *Consistent with principle WAC 173-26-186 (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:*

- *The size of the jurisdiction;*
- *The extent and condition of shorelines in the jurisdiction;*
- *The availability of grants, volunteer programs or other tools for restoration; and*
- *The nature of the ecological functions to be addressed by restoration planning.*

Master program restoration plans shall consider and address the following subjects:

(i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;

(ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;

(iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;

(iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;

(v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;

(vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

With this restoration plan, the City endeavors to first, do no harm to ecological functions along the shoreline. Where appropriate, feasible, and affordable, the City will attempt to restore ecological function at degraded sites. The major difficulty for restoration in Port Orchard, especially along the Sinclair Inlet shoreline, is the major transportation infrastructure that exists right up against the edge of the shoreline. It is not feasible to remove the waterfront roads and restore the shorelines to pre-development conditions.

The existing shoreline conditions can be found in the City of Port Orchard Shoreline Resource Analysis and Inventory, which can be found at http://www.cityofportorchard.us/docs/planning/Shoreline/info/final_inventory_characterization_report.pdf

Table 1.1 – Study Segments of the Port Orchard Marine Shoreline

Shoreline Segment	Location Description (Kitsap County Nearshore Assessment Units)	Approximate Length
1	From the western edge of City Limits/UGA to east edge of Commercial zoned property (NAU 207, 505)	1,850 feet
2	Greenbelt and Low-density residential areas of Ross Point (NAU 205-106, 503-505)	6,175 feet
3	Western edge of Commercially zoned property, through downtown, to western edge of Port of Bremerton Marina Park. (NAU 202-204)	4,875 feet
4	From Marina Park to east end of Westbay Center parking lot (NAU 200-201)	2,430 feet
5	From east end of Westbay center parking lot to eastern City limits at Annapolis (NAU 199, 501)	2,600 feet
6	Ross Creek (tidal influenced) (portion of NAU 205)	530 feet
7	Blackjack Creek (tidal influenced) (portion of NAU 200)	530 feet
8	Eastern City limits to eastern edge of UGA (NAU 188-198)	15,233 feet

The restoration projects that will be most successful in the City of Port Orchard, due to fiscal constraints, property ownership, and roadways on the shoreline, will be projects that are done with grant money and cooperation from other government agencies and private property owners. Many of the restoration projects listed in Chapter 4 may also be implemented as mitigation for other projects, whether proposed by the City, or by a private developer.

Port Orchard is in the process of planning and designing segments of a Citywide trail system. These trails will provide opportunities for restoration of degraded areas, and public involvement and educational opportunities for residents and visitors.

CHAPTER 2: RESTORATION GOALS AND POLICIES

SHORELINE RESTORATION GOALS

1. Protect unique shoreline features and habitat that supports threatened species and maintain and/or enhance their ecological function.
2. Where feasible, improve connectivity between shoreline habitat areas to promote contiguous, functional areas of native habitat, while protecting vital shoreline transportation links and water-dependent uses.
3. Encourage good shoreline stewardship and voluntary habitat restoration efforts by shoreline property owners.

Management Policies

RP-1 The importance of restoration of shoreline ecological functions and processes are recognized. Cooperative restoration efforts and programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes are encouraged.

RP-2 Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of sensitive and/or locally important plant, fish and wildlife species as well as the biological recovery goals for threatened species, and other salmonid species and populations.

RP-3 Restoration should be integrated with other parallel natural resource management efforts by Kitsap County, Washington State Department of Ecology, Washington State Department of Fish & Wildlife, the US Navy, local Tribes, and non-profit organizations.

RP-4 The City shall endeavor to acquire ecologically sensitive shorelands as they are available and affordable in order to preserve fish and wildlife habitat.

CHAPTER 3: EXISTING PROJECTS AND PROGRAMS

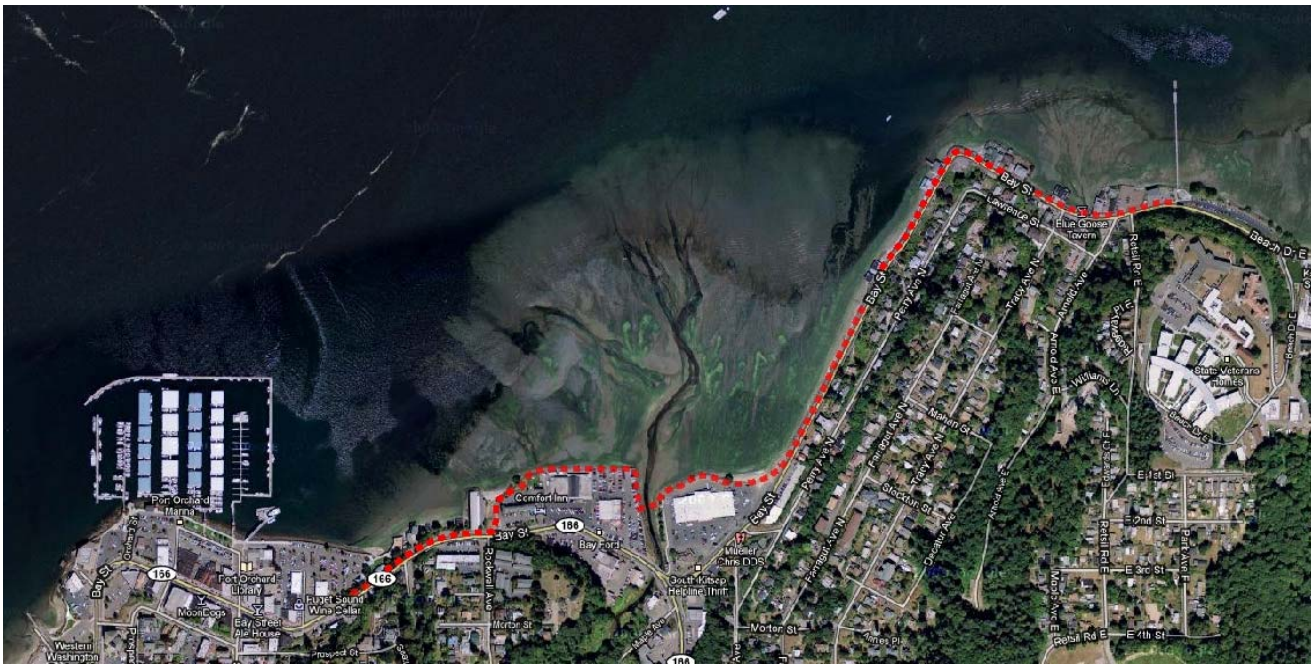
3.1 Port Orchard Public Works NPDES Updates

The City of Port Orchard Public Works and Engineering Department is currently updating its Procedures Manual for Illicit Discharge Detection and Elimination. The update will include procedures for cleaning and maintaining stormwater infrastructure, detention and retention pond maintenance, and an education program for citizens to learn how to avoid pollution of streams and the Puget Sound. This project is a part of the National Pollutant Discharge Elimination System (NPDES) permit from Department of Ecology which is mandated under the Federal Clean Water Act.

3.2 Blackjack Creek Viewing Platform and Trail

This project, referred to in Chapter 4 as project 31, is in the design stages. The City has received a grant from the State Department of Recreation and Conservation for construction of a viewing platform just upstream from the Creek mouth, as well as a trail running parallel along the Creek, but staying at least 50 feet away from the Creek for most of the length. It will connect to another trail which crosses the Creek with a pedestrian bridge built by the Boy Scouts in the early 1980s. The viewing platform and trail will eventually include informative displays about the Creek ecosystem and fish, and will increase public involvement and awareness about the Creek and its ecosystem.

3.3 Mosquito Fleet Trail



Proposed Bay Street Pedestrian Path

The Mosquito Fleet Trail project has been included in restoration and development plans for Port Orchard since the early 1980s. It has also been included in a County-wide planning effort to connect

communities and to provide public access, biking, and walking opportunities to the public. The preferred trail path has been chosen, and partial design has been completed. The City is in the process of looking for funding to construct a path from the current waterfront boardwalk to the Annapolis Ferry Dock.

In addition to the portion to be constructed by the City, current draft Shoreline Master Program regulations, as well as the regulations currently in effect, require construction of a public walkway, or some type of public shoreline access, for major redevelopment projects on the waterfront.

3.4 Dekalb Pier Improvements

The City is currently working on plans to replace the Dekalb Street Pier to make it safer for users and for the environment. The floats, which currently rest on the ground at low-tide, will be replaced and will not be able to touch the intertidal areas. They will also be using grating to allow light penetration that the current solid floats do not allow. The creosote-coated wooden pilings will be replaced with more environmentally-friendly concrete.

3.5 Water Street Boat Launch Improvements

The City of Port Orchard, in cooperation with the Port of Bremerton, is currently seeking funding for the design and repair of the only public boat launch within City Limits. The dock associated with the boat launch currently has creosote-coated pilings, which will be replaced with concrete. The boat launch decking, and the ramp itself will be removed and replaced with materials that meet current environmental standards. Additionally, soft-shore armoring will be installed to replace an existing stacked concrete revetment wall.

3.6 Sinclair Inlet Cleanup

Each Spring, a variety of volunteers and organizations, including Kitsap County, Waste Management, and the Washington Department of Transportation, among others, walk the shoreline and pick up garbage, debris and other waste.

3.7 Kitsap County Health District Pollution Identification and Correction Program

The Kitsap County Health District Pollution Identification and Correction Program (PIC) has Sinclair Inlet and its associated creeks on their workplan to be completed by 2013. The PIC takes water samples in streams, lakes, and in the Puget Sound to determine the causes and sources of bacterial water pollution. Common sources of bacterial pollution include failing on-site sewage systems and animal waste. Projects are generally funded by the Kitsap County Surface and Stormwater Management Program and grants from the Washington State Department of Ecology. The Health District also monitors and enforces sewage standards for marinas, and tests shellfish and provides lists of where shellfish are not safe to consume.

CHAPTER 4: RESTORATION AND ENHANCEMENT OPPORTUNITIES

In 2010, The Naval Facilities Engineering Command, Northwest prepared the *Sinclair Inlet Enhancement Opportunities (AQUASCAPE II)* document, in accordance with a 2008 Memorandum of Agreement (MOA) between the Navy and the Suquamish Tribe. The MOA was developed regarding the construction of a Maintenance Wharf and Intermediate Maintenance Facility at Naval Base Kitsap in Bremerton. The Navy actively sought input from stakeholders including: NOAA, the National Marine Fisheries Service, the U.S. Fish & Wildlife Service, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, Washington Department of Ecology, Kitsap County, the Puget Sound Restoration Fund, Washington Sea Grant, and the Cities of Bremerton and Port Orchard.

The most problematic obstacle to restoration of the Sinclair Inlet shoreline is the existence of important roadways immediately adjacent to the shoreline. These roads are State Route 166 (SW Bay Street), Bay Street, and Beach Drive. Removal of any of the roadways, or even portions of them, is not realistic, and would deny property access to many property owners, as well as the public.

Although there is room for improvement, Blackjack Creek has remained relatively healthy, despite the stress that it has been put under due to man-made alterations and stressors. Although elevated fecal coliform levels are present, the stream remains inviting to several salmonid species, birds, and mammals. Segment 1 is the segment most modified by human activities, including fill of the estuary, and armoring of the floodway. Segments 2 and 3 are the most natural. They contain steep ravines, which have played no small role in discouraging development in the area. Segment 4 has been altered significantly, especially in regard to removal of vegetation. However, it is currently not used heavily, and provides the most opportunity for restoration as part of future developments in the area. The following opportunities apply to segments S1, S2, S3 and S4.

The forty-five projects listed below are extracted from the *AQUASCAPE II* document. They are located in Port Orchard or within the Urban Growth Area that is subject to requirements of the Shoreline Management Act.

RESTORATION PROJECTS

GOAL: Protect processes, structures, functions

1. Purchase and Preserve Property Identify and purchase property for conservation

Ecological benefits:	Prevent future disturbance and changes
Process Improvements:	Ecological Function
Public Benefits:	Perpetual preservation, insurance against further development
Issues:	Would require land purchase, easement or agreement with owner.
Cost:	Unknown
Likelihood of Success:	High
Maintenance Needed:	Unkown

References:	URS Greiner, Inc. and SAIC 1999

GOAL: Restore process, structures, functions

2. Culvert Replacement and Restore Estuary Functions, Ross Creek At Highway 166	Replace culvert at the SR 166 crossing with bridge or a much larger culvert into Sinclair Inlet, helping to restore saltwater tidal influence upstream and flush accumulated sediments into Sinclair Inlet, restore estuary functions
Ecological Benefits:	Improved fish passage. Improved diversity of estuary habitat. Enhanced fish spawning opportunities.
Process Improvements:	Sediment transport and hydrology, ecological function
Public Benefits:	Action would contribute to healthy and more sustainable fish populations.
Issues:	- Should conduct Baseline Stream Assessment prior to implementation - Would require land ownership, easement, or agreement with owner(s) prior to actions - Would temporarily disrupt traffic on major arterial
Cost:	Unknown
Likelihood of Success:	High, with appropriate design, installation, and maintenance
Maintenance Needed:	Yes
References:	Borde et al. 2009. Applied Environmental Services, Inc. 2002. Haring 200. URS Greiner, Inc. and SAIC 1999. Bates et al. 2003.

3. Purchase and Remove or relocate restaurant, Ross Creek at SR 166	Purchase restaurant, remove or relocate buildings and pavement, remove invasive species.
Ecological Benefits:	Improved fish passage. Improved diversity of estuary habitat. Enhanced salmonid spawning opportunities.
Process Improvements:	Sediment transport,hydrology, and ecological function.
Public Benefits:	Action would contribute to healthy and more sustainable fish populations.
Issues:	Would require land acquisition prior to any action.
Cost:	Unknown
Likelihood of Success:	Moderate to high, with monitoring, adaptive management, and maintenance.
Maintenance Needed:	Likely
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

4. Remove Bulkhead, Add Beach Nourishment, Ross Point	Remove bulkhead, add gravel nourishment along edges of surf smelt spawning zone and monitor for spawning expansion.
Ecological benefits:	Expanded surf smelt spawning zone, improved ecological function
Process Improvements:	Augment sediment transport with addition of appropriate substrate.

Public Benefits:	Improved public views. Action would contribute to healthy and sustainable fish populations by supporting forage fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate, with periodic maintenance.
Maintenance needed:	Periodic replenishment required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Restore Processes, Structures, Functions

5. Remove Old Foundations and Piles, Ross Point	Remove old homesite foundations and piles on intertidal area south of Ross Point.
Ecological benefits:	Expanded natural shoreline. Increased forage fish spawning area.
Process Improvements:	Hydrology, sediment transport, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High.
Maintenance needed:	Unlikely.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

6. Remove Creosote Piling and Derelict Vessels, Ross Point	Remove old creosote pilings just south of barge anchorage. Remove derelict vessels and unauthorized moorage.
Ecological benefits:	Improved water quality, reduced structural over-water coverage.
Process Improvements:	Hydrology, sediment transport, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High.
Maintenance needed:	Unlikely.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

7. Remove Barge Anchorages, Ross Point	Remove existing barge anchorages at Ross Point.
Ecological benefits:	Improved water quality, reduced structural over-water coverage.
Process Improvements:	Reduced shading, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.

Cost:	Unknown
Likelihood of success:	High.
Maintenance needed:	Unlikely.
References:	Aquascape II stakeholder meeting January 13, 2010.

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8. Beach Nourishment Barge Anchorage, Ross Point	Beach nourishment on beach adjacent to barge anchorage. Maintain beach nourishment through adaptive management.
Ecological benefits:	Expanded surf smelt spawning zone.
Process Improvements:	Augment sediment transport with addition of appropriate substrate.
Public Benefits:	Action could contribute to healthy and sustainable fish populations by supporting forage fish populations.
Issues:	Location is close to active forage fish spawning areas. Further investigation needed to determine potential benefits/impacts of nourishment at this location.
Cost:	Unknown
Likelihood of success:	Low to moderate, would require long-term monitoring and maintenance.
Maintenance needed:	Yes, periodic replenishment required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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9. Large Woody Debris (LWD) Ross Point	Develop and implement a short-term LWD strategy to provide LWD presence and habitat diversity until full riparian function is restored.
Ecological benefits:	Improved stream spawning habitat.
Process Improvements:	Improved stream hydrology, ecological function
Public Benefits:	Action could contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions. This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.
Maintenance needed:	Likely
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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10. Riparian Buffers, Ross Creek	Eliminate or reduce encroachment from existing development and establish functional riparian buffers.
Ecological benefits:	Improved water quality. Increased riparian diversity.
Process Improvements:	Improved riparian system, ecological function.
Public Benefits:	Action could contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with periodic maintenance.
Maintenance needed:	Likely

References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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11. Remove Invasive Species, Ross Creek	Remove invasive plant species in Ross Creek.
Ecological benefits:	Improved native vegetation diversity and habitat quality.
Process Improvements:	Native vegetation succession, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with periodic maintenance.
Maintenance needed:	Likely
References:	Aquascape stakeholder meeting January 13, 2010.

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12. Trash Removal Ross Creek	Remove accumulated garbage and debris in Ross Creek.
Ecological benefits:	Improved water quality, hydrology, and habitat quality.
Process Improvements:	Hydrology, ecological function.
Public Benefits:	Improved water quality, improved aesthetics, improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with periodic maintenance.
Maintenance needed:	Likely
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Reduce Pollution

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13. Low Impact Development, Ross Creek	Implement low impact development, including stormwater quantity control and water quality treatment for stormwater runoff. Retrofit existing development in watershed to state-of-the-art stormwater quality and quantity best managementpractices.
Ecological benefits:	Improved water quality.
Process Improvements:	Increased stormwater retention and infiltration.
Public Benefits:	Improved water quality.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions. Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance would be required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

14. Fecal Coliform and Dissolved Oxygen, Ross Creek	Identify and correct sources of fecal coliform contamination. Monitor dissolved oxygen levels, correct problems as warranted.
Ecological benefits:	Improved water quality.
Process Improvements:	N/A
Public Benefits:	Improved water quality.
Issues:	Department of Ecology has enforcement authority (RCW 90.48) for water quality in waters of the state. Kitsap County Health Department has local enforcement authority for water quality problems that put public health at risk and can also enforce local solid waste ordinances. This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance likely.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Public Involvement

15. Citizen-based Watershed Management, Ross Creek	Fund citizen-based watershed management efforts.
Ecological benefits:	Understand health of system and assist future planning efforts.
Process Improvements:	N/A
Public Benefits:	Increased public interest and involvement. Public feedback and input considered before decisions made.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate outreach and participation.
Maintenance needed:	Ongoing efforts necessary to maintain public interest.
References:	URS Greiner, Inc. and SAIC 1999.

GOAL: Assess

16. Baseline Stream Assessment, Ross Creek	Assess existing stream channel conditions, historical changes, and that shape the channel over time. Assessment should include: • Processes that influenced past and current channel morphology and habitats. • Current channel conditions including morphology and stability. • Probable future channel morphology. • Potential constraints to recovery and restoration.
Ecological benefits:	Understand driving forces of channel morphology to increase likelihood of

	success for habitat restoration, streambank protection, and other instream construction projects.
Process Improvements:	Understand causes of change prior to designing/implementing projects to mimic or alter natural channel processes.
Public Benefits:	Increased public education and awareness of stream processes and challenges.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions. Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	N/A
Maintenance needed:	N/A
References:	Saldi-Caromile et al. 2004

GOAL: Restore Processes, Structures, Functions

17. Intertidal Enhancement, Port Orchard Boat Launch	Add gravel/cobble to intertidal area around the boat launch where the slope of the bottom is ideal for surf smelt spawning.
Ecological benefits:	Improved surf smelt spawning habitat.
Process Improvements:	Augment sediment transport with addition of appropriate substrate.
Public Benefits:	Action would contribute to healthy and sustainable salmonid populations by supporting forage fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate, would require long-term monitoring and maintenance.
Maintenance needed:	Yes. Periodic replenishment required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Assess

18. Investigate Enhancement Opportunities at Port Orchard Marina and Sinclair Marina	Determine need and feasibility of enhancing existing pocket beach. Pocket beach is highly productive surf smelt spawning area.
Ecological benefits:	Assess opportunities to improve surf smelt spawning habitat.
Process Improvements:	N/A
Public Benefits:	Public education and awareness of values and challenges.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	N/A
Maintenance needed:	N/A
References:	Aquascape stakeholder meeting, January 13, 2010.

19. Investigate Transportation Alternatives and Improvements to Reduce Highway Use	Investigate transportation alternatives and improvements to reduce highway use. For example, water taxi service between Port Orchard and Bainbridge Island could reduce reliance on existing highways.
Ecological benefits:	Reduce highway use, reduced need for enlarged/upgraded transportation infrastructure.
Process Improvements:	N/A
Public Benefits:	Public education and awareness of transportation impacts and challenges.
Issues:	
Cost:	Unknown
Likelihood of success:	N/A
Maintenance needed:	N/A
References:	Aquascape stakeholder meeting, January 13, 2010.

GOAL: Protect Processes, Structures, Functions

20. Acquire and Protect High Quality Habitat along Blackjack Creek	Identify and protect high quality riparian habitat on Blackjack Creek through purchase and/or easements. Continue protection and development restrictions in lower Blackjack Creek canyon. Protect high quality riparian habitat on Blackjack Creek just upstream of Sidney Road. Protect/preserve/acquire as much of Square Creek upstream of Sidney Road as possible. Protect as much of Ruby Creek upstream of Sidney Road as possible.
Ecological benefits:	Prevent future disturbance and changes.
Process Improvements:	N/A
Public Benefits:	Perpetual preservation, insurance against further development.
Issues:	Would require land purchase, easement or agreement with owner(s).
Cost:	Unknown
Likelihood of success:	High
Maintenance needed:	Unknown
References:	Applied Environmental Services, Inc. 2002. Haring 2000. URS Greiner, Inc. and SAIC 1999.

GOAL: Restore Processes, Structures, Functions

21. Estuary Improvement Blackjack Creek	Rebuild the Blackjack Creek outlet and sub-estuary. Remove or relocate commercial development within the former Blackjack Creek estuary. Remove channel and rip rap, add more riparian vegetation. Protect and restore estuarine habitat (particularly upstream of Bay Street), including restoration of riparian function and reduction of commercial encroachment, where feasible.
Ecological benefits:	Increased natural shoreline habitat. Improved beach spawning habitat. Increased riparian diversity.
Process Improvements:	Hydrology, sediment transport processes, native vegetation succession.

Public Benefits:	Aesthetic improvement, increased wildlife observation opportunities.
Issues:	Should conduct Baseline Stream Assessment prior to implementing action. Would require land purchase, easement or agreement with owner(s) prior to action.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design and implementation.
Maintenance needed:	Maintenance likely, particularly if all actions not accomplished at one time.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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22. Channel and Riparian Improvements, Blackjack Creek	Restore natural channel configuration and floodplain function on Blackjack Creek through the channelized agricultural area upstream from Sedgwick Road, and through the agricultural area of Ruby Creek downstream of Glenwood Road. Restore functional riparian zones throughout the watershed, with particular emphasis on Blackjack Creek upstream of Sedgwick Road, Unnamed 15.02506, and Square Creek.
Ecological benefits:	Improved fish access and spawning habitat.
Process Improvements:	Hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations.
Issues:	Should conduct Baseline Stream Assessment prior to implementing action. Would require land purchase, easement or agreement with owner(s) prior to action.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design and implementation.
Maintenance needed:	Likely
References:	Haring 2000.

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23. Agricultural Improvements, Blackjack Creek	Reduce habitat impacts on agricultural lands upstream of SR 16, including development and implementation of farm plans that restore stream functions. Identify and correct areas in the watershed that have unrestricted livestock access.
Ecological benefits:	Improved water quality.
Process Improvements:	Ecological function.
Public Benefits:	Improved water quality.
Issues:	- In the upper watershed, especially Ruby Creek, there are hobby farms of various sizes, some with cattle in the channel, etc. Ruby Creek itself has been straightened and somewhat channelized in many reaches, with wetlands filled and other impacts. There is also a history of conversion from agricultural to commercial use. Stormwater impacts from past poor practices are apparent. Riparian areas are compromised by past agriculture and current uses. Many old fields are covered in reed canary grass with little or no successional processes at work. - Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.

Maintenance needed:	Likely
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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24. Upstream Fish Passage and Habitat Improvements, Blackjack Creek	Improve fish passage and upstream habitat at two culverts in the Ruby Creek drainage and at the Sidney Road crossing of Square Creek.
Ecological benefits:	Improved fish access and spawning habitat.
Process Improvements:	Sediment transport and hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and installation.
Maintenance needed:	Likely
References:	Haring 2000. Bates, et al. 2003.

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25. Pocket Beach Improvements, Blackjack Creek	Improve pocket beach for baitfish spawning at north edge of mall parking lot next to informal parking lot. Remove informal parking lot and replace with riparian vegetation. Meet with business owners and operators to gain cooperation with shoreline vegetation restoration program in pocket beaches and specific locations.
Ecological benefits:	Improved natural shoreline habitat. Improved beach spawning habitat, more riparian diversity.
Process Improvements:	Sediment transport processes, hydrology, native vegetation succession.
Public Benefits:	Aesthetic improvement, contribute to healthy and sustainable salmonid populations by supporting forage fish populations, increased wildlife observation opportunities.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design, implementation and maintenance.
Maintenance needed:	Likely, particularly if all actions not accomplished at one time.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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26. Remove Asphalt, Blackjack Creek Shoreline	Remove concrete and asphalt along road end near hotel and revegetate with native trees and shrubs.
Ecological benefits:	More native vegetation.
Process Improvements:	Sediment transport processes, hydrology, native vegetation succession.
Public Benefits:	Aesthetic improvement, contribute to healthy and sustainable salmonid populations.

Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design, implementation.
Maintenance needed:	Likely. Expect to need maintenance until vegetation permanently established.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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27. Large Wood Debris (LWD), Blackjack Creek	Develop and implement a short-term LWD strategy for lower two miles of Blackjack Creek and Square Creek, to provide LWD presence and habitat diversity until full riparian function is restored.
Ecological benefits:	Improved stream spawning habitat.
Process Improvements:	Improve stream hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions. This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.
Maintenance needed:	Likely.
References:	Haring 2000.

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28. Trash Removal, Blackjack Creek	Remove accumulated garbage and debris in Blackjack Creek.
Ecological benefits:	Improved water quality, hydrology, and habitat quality.
Process Improvements:	Improved stream hydrology.
Public Benefits:	Improved water quality, improved aesthetics, improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High
Maintenance needed:	Periodic trash removal likely.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Reduce Pollution

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29. Low Impact Development (LID), Blackjack Creek	Implement low impact development, including stormwater quantity control and water quality treatment for stormwater runoff. Remediate existing stormwater impacts to the channel.
Ecological benefits:	Improved water quality.
Process Improvements:	Increased stormwater retention and infiltration.
Public Benefits:	Improved water quality.

Issues:	Would require land purchase, easement or agreement with owner(s) prior to action. This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance would be required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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30. Fecal Coliform and Dissolved Oxygen, Blackjack Creek	Identify and correct sources of fecal coliform contamination. Monitor dissolved oxygen levels downstream of Sedgwick Road and on Ruby Creek downstream of Sidney Avenue, correct problems.
Ecological benefits:	Improved water quality.
Process Improvements:	N/A
Public Benefits:	Improved water quality.
Issues:	Department of Ecology has enforcement authority (RCW 90.48) for water quality in waters of the state. Kitsap County Health Department has local enforcement authority for water quality problems that put public health at risk and can also enforce local solid wast ordinances.. This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance likely.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Public Involvement

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31. Viewing Platform, Blackjack Creek	Construct a viewing platform at the estuary to promote public awareness and education. Locate platform to avoid estuary impacts.
Ecological benefits:	N/A
Process Improvements:	N/A
Public Benefits:	Viewing platform would promote public awareness and education.
Issues:	May require land ownership, easement or agreement with owner(s)/user(s).
Cost:	Unknown
Likelihood of success:	High, with appropriate outreach and participation.
Maintenance needed:	Patrol and structural maintenance would be required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

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32. Public Involvement, Blackjack Creek	Fund citizen-based watershed monitoring groups and landowner education programs. Fund public access and interpretive program.
Ecological benefits:	Understand health of system and assist future planning efforts.

Process Improvements:	N/A
Public Benefits:	Increased public interest and involvement. Public feedback and input considered before decisions made.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate outreach and participation.
Maintenance needed:	On-going efforts necessary to maintain public interest.
References:	URS Greiner, Inc. and SAIC 1999.

GOAL: Assess

33. Baseline Physical Stream Assessment, Blackjack Creek	Assess existing stream channel conditions, historical changes, and processes that shape the channel over time. Assessment should include: - Processes that influenced past and current channel morphology and habitats. - Current channel conditions including morphology and stability. - Probable future channel morphology. - Potential constraints to recovery and restoration.
Ecological benefits:	Understand driving forces of channel morphology to increase likelihood of success for habitat restoration, streambank protection, and other instream construction projects.
Process Improvements:	Understand causes of change prior to designing/implementing projects to mimic or alter natural channel processes.
Public Benefits:	Increase public education and awareness of stream processes and challenges.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions Site access require land ownership, easement or agreement with owner(s).
Cost:	Unknown
Likelihood of success:	N/A
Maintenance needed:	N/A
References:	Saldi-Caromile et al. 2004.

34. Biological Stream Assessment, Blackjack Creek	Perform continued stream assessments on Blackjack Creek to closely monitor its health and viability as a salmon stream.
Ecological benefits:	Understand health of system and assist future planning efforts.
Process Improvements:	N/A
Public Benefits:	Public education and awareness of values and challenges.
Issues:	Site access may require land ownership, easement or agreement with owner(s).
Cost:	Unknown
Likelihood of success:	N/A
Maintenance needed:	N/A

References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Restore Processes, Structures, Functions

35. Culvert Replacement and Floodway Restoration, Annapolis Creek	Replace undersized restrictive culvert, Annapolis Creek at Beach Drive, and restore floodway.
Ecological benefits:	Improved fish access.
Process Improvements:	Sediment transport and hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design, installation, and maintenance.
Maintenance needed:	Yes.
References:	Borde et al. 2009. Haring 2000. Bates et al. 2003.

36. Culvert Replacement Karcher (Olney, Retsil) Creek at Beach Drive	Replace culvert, Karcher (Olney, Retsil) Creek at Beach Drive.
Ecological benefits:	Improved fish access.
Process Improvements:	Sediment transport and hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design, installation, and maintenance.
Maintenance needed:	Yes.
References:	Borde et al. 2009. Bates et al. 2003.

37. Estuary Restoration, Sacco (Sullivan) Creek	Relocate roads away from estuary edge and allow marsh re-establishment.
Ecological benefits:	Improved fish access,enhanced estuary,diversified habitat.
Process Improvements:	Sediment transport and hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions. Should conduct Baseline Stream Assessment prior to implementing action.
Cost:	Unknown
Likelihood of success:	High, with appropriate design, installation, and maintenance.
Maintenance needed:	Yes.
References:	Borde et al. 2009. Bates et al. 2003.

38. Riparian Improvements, Annapolis Creek	Restore functional riparian zones throughout the watershed, particularly through the high school property and along Arnold Avenue. Remove small hydro dam at the high school, and restore natural channel configuration and functional habitat conditions. Assess, prioritize, and correct fish passage barriers upstream of the high school, as warranted.
Ecological benefits:	Improved fish and wildlife habitat. Increased fish access.
Process Improvements:	Hydrology, native vegetation succession, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate, due to existing development. Would require monitoring, adaptive management, and maintenance.
Maintenance needed:	Likely.
References:	Haring 2000.

39. Remove Invasive Vegetation, Karcher (Olney, Retsil) Creek	Remove invasive vegetation.
Ecological benefits:	Improved native vegetation diversity and habitat quality.
Process Improvements:	Native vegetation succession, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate to high, with periodic maintenance.
Maintenance needed:	Likely.
References:	Borde et al. 2009.

40. Large Woody Debris (LWD), East Port Orchard	Develop and implement a short-term LWD strategy to provide LWD presence and habitat diversity until full riparian function is restored.
Ecological benefits:	Improved stream spawning habitat.
Process Improvements:	Improved stream hydrology, ecological function.
Public Benefits:	Action would contribute to healthy and sustainable fish populations
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions. This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation
Maintenance needed:	Likely.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

41. Remove Riprap and Restore Natural Shoreline	Remove riprap at the site of the former Annapolis boat ramp and restore shoreline.
Ecological benefits:	Improved beach and shoreline.
Process Improvements:	Sediment transport, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High
Maintenance needed:	Likely to require maintenance until shoreline stabilized.
References:	Borde et al. 2009. Applied Environmental Services, Inc. 2002. Haring 2000.

42. Beach Nourishment, East Port Orchard	Beach nourishment at appropriate locations.
Ecological benefits:	Improved beach habitat.
Process Improvements:	Augment sediment transport with addition of appropriate substrate and vegetation, ecological function.
Public Benefits:	Improved public views. Action would contribute to healthy and sustainable fish populations by supporting forage fish populations.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Depends on location
Maintenance needed:	Yes, periodic replenishment required.
References:	Applied Environmental Services, Inc. 2002. Haring 2000.

GOAL: Reduce Pollution

43. Low Impact Development, Annapolis Creek	Implement low impact development throughout the watershed, including stormwater quantity control and water quality treatment for stormwater runoff. Retrofit existing development to state-of-the-art stormwater quality and quantity best management practices.
Ecological benefits:	Improved water quality.
Process Improvements:	Increased stormwater retention and infiltration.
Public Benefits:	Action would contribute to water quality improvement.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions. Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance would be required.
References:	Haring 2000.

44. Fecal Coliform, Annapolis Creek

Ecological benefits:	Improved water quality.
Process Improvements:	Decreased nutrient loading, improved dissolved oxygen (DO).
Public Benefits:	Improved water quality.
Issues:	Department of Ecology has enforcement authority (RCW 90.48) for water quality in waters of the state. Kitsap County Health Department has local enforcement authority for water quality problems that put public health at risk and can also enforce local solid waste ordinances.This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions.
Cost:	Unknown
Likelihood of success:	Moderate to High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance likely.
References:	Haring 2000.

45. Baseline Stream Assessment, Annapolis, Karcher (Olney/Retsil) / Sacco (Sullivan) Creeks

Assess existing stream channel conditions, historical changes, and processes that shape the channel over time. Assessment should include:

- Processes that influenced past and current channel morphology and habitats.
- Current channel conditions including morphology and stability.
- Probable future channel morphology
- Potential constraints to recovery and restoration.

Ecological benefits:	Understand driving forces of channel morphology to increase likelihood of success for habitat restoration, streambank protection, and other instream construction projects.
Process Improvements:	Understand causes of change prior to designing/implementing projects to mimic or alter natural channel processes.
Public Benefits:	Increase public education and awareness of stream processes and challenges.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions. Site access may require land ownership, easement or agreement with owner(s).
Cost:	Unknown
Likelihood of success:	N/A
Maintenance needed:	N/A
References:	Saldi-Caromile et al. 2004.

BIG LAKE AND SQUARE LAKE RESTORATION

46. Remove Invasive Vegetation, Big Lake, Square Lake

Remove invasive vegetation, both aquatic and riparian.

Ecological benefits:	Improved native vegetation diversity and habitat quality.
Process Improvements:	Native vegetation succession, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	Moderate to high, with periodic maintenance.
Maintenance needed:	Likely.

47. Riparian Improvements, Big Lake, Square Lake	Restore functional riparian zones throughout the watershed, particularly within 200 feet of the shoreline. Restore natural channel configuration and functional habitat conditions. Assess, prioritize, and correct fish passage barriers downstream of the lakes, as warranted.
Ecological benefits:	Improved fish and wildlife habitat. Increased fish access.
Process Improvements:	Hydrology, native vegetation succession, ecological function.
Public Benefits:	Improved public views.
Issues:	Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High. Would require monitoring, adaptive management, and maintenance.
Maintenance needed:	Likely.

48. Low Impact Development, Big Lake, Square Lake	Implement low impact development, including stormwater quantity control and water quality treatment for stormwater runoff. Retrofit existing development in watershed to state-of-the-art stormwater quality and quantity best management practices.
Ecological benefits:	Improved water quality.
Process Improvements:	Increased stormwater retention and infiltration.
Public Benefits:	Improved water quality.
Issues:	This action is recommended in multiple watersheds. Implementing this action basin-wide would result in consistency, efficiency, and cost savings over individual actions. Would require land ownership, easement or agreement with owner(s) prior to actions.
Cost:	Unknown
Likelihood of success:	High, with appropriate design and implementation.
Maintenance needed:	Routine maintenance would be required.

ADDITIONAL POTENTIAL OPPORTUNITIES

1. Replace existing revetment wall with soft-shore armoring, boat launch	Remove existing stacked-concrete revetment wall at the Port Orchard boat launch and parking lot, replace with soft-shore armoring.

Ecological benefits:	Improved beach and shoreline habitat
Process Improvements:	Sediment transport
Public Benefits:	Improved views and beach access
Issues:	Funding
Cost:	Unknown
Likelihood of success:	High
Maintenance needed:	Occasional
References:	Meeting between Port of Bremerton and City of Port Orchard

2. Remove two overwater residences in downtown area	Remove two Port of Bremerton-owned houses east of Park and marina area and construct portion of Mosquito Fleet Trail.
Ecological benefits:	Improved beach and shoreline habitat
Process Improvements:	Sediment transport, less shading
Public Benefits:	Improved views and beach access, public access
Issues:	Site access will require land ownership, easement, and/or agreement with owner. Houses are currently occupied.
Cost:	Unknown
Likelihood of success:	High
Maintenance needed:	Occasional, once trail is constructed
References:	City of Port Orchard waterfront trail plan

3. Replace existing riprap revetment with soft-shore armoring, Marlee Apartments, Comfort Inn	Remove existing riprap at the Marlee Apartments and Comfort Inn, replace with soft-shore armoring.
Ecological benefits:	Improved beach and shoreline habitat
Process Improvements:	Sediment transport
Public Benefits:	Improved views and beach access
Issues:	Site access will require land ownership, easement, and/or agreement with owner(s)
Cost:	Unknown
Likelihood of success:	High
Maintenance needed:	Occasional
References:	City of Port Orchard Waterfront Trail Plan

4. Remove Overwater Structures, City-wide	Remove overwater structures (piers, docks, homes) that are obsolete, non-functional, and unnecessary.
Ecological benefits:	Improved beach and shoreline habitat
Process Improvements:	Sediment transport
Public Benefits:	Improved views and beach access
Issues:	Site access will require land ownership, easement, and/or agreement with owner(s)
Cost:	Unknown

Likelihood of success:	High
Maintenance needed:	No
References:	Suquamish Tribe comments on Port Orchard Draft SMP, March 25, 2011

CHAPTER 5: POTENTIAL FUNDING SOURCES

Funding Source	Allocating Entity
Aquatic Lands Enhancement Account	Washington State Recreation and Conservation Office
Bring Back the Natives	National Fish and Wildlife Foundation
Coastal and Estuarine Land Conservation Program	National Oceanic and Atmospheric Administration
Estuary and Salmon Restoration Program	Puget Sound Nearshore Ecosystem Restoration Project
Five-Star Restoration Program	National Fish and Wildlife Foundation
Land and Water Conservation Fund	Washington State Recreation and Conservation Office
Salmon Recovery Funding Board	Washington State Recreation and Conservation Office
State Wildlife Action Project	National Wildlife Federation
Water Quality Grants and Loans	Washington Department of Ecology
Washington Wildlife and Recreation Program	Washington State Recreation and Conservation Office
Wildlife and Habitat Conservation Fund	National Fish and Wildlife Foundation

CHAPTER 6: REFERENCES

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APPENDIX D – ADOPTION ORDINANCE

CITY OF PORT ORCHARD

CITY OF PORT ORCHARD

Introduced by: Development Director
Requested by: Development Director
Reviewed by: City Attorney
Introduced: March 26, 2013
Adopted: March 26, 2013

ORDINANCE NO. 005-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING A NEW SHORELINE MASTER PROGRAM AND REPEALING RESOLUTION NOS. 1160A, 1240, AND 1586

WHEREAS, the Shoreline Management Act of 1971, codified at chapter 90.58 RCW ("SMA"), requires all cities and counties with "shorelines of the state" to prepare and adopt a Shoreline Master Program that is based on state laws and rules, but tailored to the specific jurisdiction; and

WHEREAS, on October 12, 1976, the City of Port Orchard adopted Resolution 1160A approving the City's initial SMA-based Shoreline Master Program ("SMP")) and the SMP has been amended in substance since its adoption on May 11, 1981 (Resolution 1240) and October 14, 1991 (Resolution 1586); and

WHEREAS, effective January 17, 2004, the regulations implementing the SMA promulgated under chapter 173-26 WAC (the "SMA guidelines") were substantially revised and the City's current SMP requires a comprehensive update in order to achieve the procedural and substantive requirements of the SMA guidelines; and

WHEREAS, a Shoreline Advisory Committee was formed in 2010 and after several public meetings proposed new shoreline regulations and recommendations for the Planning Commission's consideration; and

WHEREAS, the Planning Commission conducted public meetings and held discussions in 2010 and 2011 which resulted in the drafting of a new Shoreline Master Program document; and

WHEREAS, the Planning Commission conducted Public Hearings on February 28, 2011, January 25, 2012, and March 19, 2012 to collect comments and testimony concerning the requirements of the Draft Shoreline Master Program document ; and

WHEREAS, on January 12, 2012, the Draft SMP document was circulated for review to interested parties and state agencies; and

WHEREAS, on January 13, 2012, the City's SEPA responsible official issued a Determination of Nonsignificance ("DNS") pursuant to WAC 197-11-600(4)(a); no comments or appeals were submitted and the time period for appealing the DNS has expired; and

WHEREAS, the Planning Commission on February 27, 2012 conducted a public hearing and collected testimony regarding the Draft Shoreline Master Program documentand adopted Planning Commission Resolution 001-012, recommending approval to the City Council; and

WHEREAS, the Port Orchard City Council held Work-study sessions concerning the Draft Shoreline Master Program on November 15, 2011, and February 21, 2012, and February 19, 2013; and

WHEREAS, the Washington State Department of Ecology provided the City of Port Orchard with a letter on April 23, 2012 requesting revisions to the Draft Shoreline Master Program document; and

WHEREAS, the City Council held a public hearing on April 24, 2012 to collect public comments and testimony concerning the requirements of the Draft Shoreline Master Program document; and

WHEREAS, on April 24, 2012 the City Council remanded the Draft SMP document to the Planning Commission to consider the Department of Ecology's items of concern; and

WHEREAS, at a public meeting held on May 18, 2012, the Planning Commission unanimously approved Planning Commission Resolution 002-12 recommending approval of the Draft Shoreline Master Program document including certain revisions proposed by the Department of Ecology; and

WHEREAS, the Port Orchard City Council held a public hearing on June 12, 2012 to collect comments and testimony concerning the Draft Shoreline Master Program document and adopted Resolution 009-12 directing staff to forward the document to the Department of Ecology for approval; and

WHEREAS, on January 7, 2013, the Department of Ecology approved the draft SMP document subject to certain changes that it required; and

WHEREAS, at the February 19, 2013 work-study session, the Port Orchard City Council directed staff to make the changes to the Draft Shoreline Master Program document required by the Department of Ecology; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The Shoreline Master Program with appendices, as set forth in Exhibit A, is hereby adopted and shall be binding on all properties within the shoreline jurisdiction.

SECTION 2. The Port Orchard Municipal Code is hereby amended by adding a new chapter 18.30 "Shoreline Master Program" to read as follows:

Chapter 18.30 SHORELINE MASTER PROGRAM

Sections:
18.30.010 Shoreline Master Program adopted.

The Shoreline Master Program, with appendices, as set forth in Exhibit A to the ordinance codified in this chapter, is hereby adopted and shall be binding on all properties within the shoreline jurisdiction.

SECTION 3. The Shoreline Master Program shall be effective fourteen (14) days from the date the Department of Ecology provides written notice of approval.

SECTION 4. REPEALER. Resolution Nos. 1160A, 1240, and 1586 are hereby repealed effective fourteen (14) days from the date the Department of Ecology provides written notice approving the Shoreline Master Program.

SECTION 5. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 6. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 26th day of March 2013.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

Sponsored by:

Cindy Lucarelli, Councilmember

CITY OF PORT ORCHARD INCORPORATED SEAL SEPTEMBER 1, 1890 STATE OF WASHINGTON