

CLALLAM COUNTY SHORELINE MASTER PROGRAM UPDATE

Consistency Review

Prepared for:

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Clallam County Community Development Department



Cover Photo: Morse Creek. Photo courtesy of the [Washington Coastal Zone Atlas](#)

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Introduction

Clallam County is currently undergoing a comprehensive update of its Shoreline Master Program (SMP) to improve protection of the shoreline environments and ensure their continued use and enjoyment. The update is also required by the Shoreline Management Act of 1971 and subsequent legislation and Guidelines (see sidebar on next page). One of the first SMP update tasks is to prepare a “consistency review” with the following purposes:

- Identify policies and regulations in the existing Clallam County SMP (last updated in 1992) that are consistent with current State requirements and those that are inconsistent with State requirements.
- Identify potential gaps or omissions in the existing SMP that may need to be filled to address the range of shoreline development scenarios that are likely to occur in the foreseeable future.
- Identify issues that create challenges in terms of interpretation, clarity, enforcement and/or effective administration of the SMP.
- Provide recommendations on how to address inconsistencies and gaps, improve clarity/administration and achieve State approval of the updated SMP.

ESA Adolfson (ESA) prepared this Consistency Review at the request of the County. ESA’s findings will be presented to County staff, members of the County’s shoreline advisory committee, the Planning Commission and the public at-large for review and discussion to help define the key issues to be addressed in the SMP update. This report is one of several steps the County will take to identify and consider which, if any policies or regulations need to change. The County is also assessing existing shoreline conditions and planned development patterns to identify SMP update needs.

Part I of this report contains general findings and recommendations. This section highlights major areas where the existing Clallam County SMP appears to be inconsistent with current State requirements, is missing substantive elements, or lacks clarity. Part II is a section-by-section summary organized according to the Chapters and Sections established in the County’s SMP. Under each chapter heading, the report describes whether the language in the County’s SMP is generally consistent with State requirements, could be improved for purposes of readability, and/or needs additional content to ensure State approval and/or address likely future development scenarios. This is a general review intended to highlight potential changes in policies and/or regulations. The specific scope and content of the recommended changes will be determined during development of the draft SMP.

The State requirements referenced here are the Shoreline Management Act ([RCW 90.58](#)) and Chapter 173-26 of the Washington Administrative Code ([WAC 173-26](#)). The latter is a set of rules commonly referred to as the SMP Guidelines. The Washington Department of Ecology (Ecology) promulgated these rules as instructions to local governments for preparing SMPs. Ecology reviews all locally

adopted SMPs to ensure they meet the policies and provisions of the Shoreline Management Act. Ultimately Ecology must approve Clallam County's SMP update before it takes effect¹.

The Consistency Review compares the existing County SMP to the State Guidelines but does not fully analyze all applicable County regulations such as the critical areas code. Even though the critical areas code may address entirely, or in part, some of the consistency issues, the lack of integration and referencing of specific critical areas regulations within the current SMP needs to be addressed in the update process.

Part I - General Findings and Recommendations

- **General Policies:** The general policies of the Clallam SMP (Clallam County Code [Chapter 35.01](#)) are fairly consistent with State requirements, including statements that recognize the value of areas that remain in their natural state, the importance of shoreline management in protecting water quality, the need for responsible public access and enjoyment, and the suitable location of water-related commerce and industry. The existing SMP recognizes the rights of private shoreline ownership while protecting the public interest and the need to consider long term benefits over short term interests in guiding shoreline development. However, a number of the policies are broad sweeping statements that prohibit adverse impact but may be difficult to achieve or interpret as currently worded.
- **Residential Development:** State Guidelines allow the County to adopt a policy that identifies single-family residences as a priority use provided they

Legislative Requirements to Update the Clallam County Shoreline Master Program

Washington's Shoreline Management Act was passed by the State Legislature in 1971 and adopted by voters in 1972. The overarching goal of the act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines." The act required counties and cities to prepare Shoreline Master Programs (SMPs) and designated the Washington Department of Ecology to prepare Guidelines for implementation. In accordance with the act, Clallam County adopted an SMP in 1976. It was updated slightly in 1992, but has not had a comprehensive review in 35 years.

In 2003, the Legislature revised the rules for implementing the Shoreline Management Act and required all cities and counties to update their Shoreline Master Programs according to new standards set out in the Washington Administrative Code (WAC 173-26). The update requirement was based on many changing conditions that have occurred since the Act was adopted in 1971. Washington State's population has tripled, shoreline development has increased, and counties have acquired decades of experience administering and enforcing permits. A great deal of scientific data has been amassed about the physical and biological condition of the shorelines and how shorelines are changing over time. New and overlapping requirements have been adopted through the Growth Management Act and other laws that need to be coordinated with Shoreline Master Programs. Clallam County plans to complete the update in 2012.

More information is accessible from the Department of Ecology website:
<http://www.ecy.wa.gov/programs/sea/shorelines/index.html>

¹ Consequences for failing to achieve Ecology approval in a timely manner could result in legal challenges or other adverse circumstances. Ultimately, the State could step in and update the SMP for the County.

are developed in a manner consistent with pollution control and prevention of damage to the natural environment. This important policy is missing from the residential development section. Determining whether existing setbacks are adequate to prevent damage to the natural environment will need to be examined following the inventory and characterization report. Setbacks should also be evaluated in light of local and state-wide experiences with eroding bluffs, flood hazards, and other unstable shorelines, and because State requirements mandate that residential developments be set back sufficiently to avoid the need for stabilization structures (e.g., bulkheads) in the future. Several additional standards for residential development are required by the State but are missing from the current County SMP.

- **Integration with Critical Area Regulations:** The County critical areas code (Clallam County Code [Chapter 27.12](#)) is not integrated with the existing SMP but regulates many of the same activities as the SMP. As a result, it is unclear how critical area requirements for buffers, mitigation plans, special reports, etc. apply to shoreline uses and developments. For example, the SMP-required setbacks for residential development are different from the buffer requirements in the critical areas code. Because State law requires that SMPs protect critical areas located within shoreline jurisdiction in a manner that “*assures no net loss of shoreline ecological functions*” it will be important to clarify the relationship between these two code sections and integrate the standards to ensure that State requirements for no net loss are met. Some of the apparent deficiencies in the existing SMP appear to be addressed via the critical areas regulations, but a more complete assessment of the critical areas code is required before this can be confirmed. A decision on whether and/or how to integrate the existing critical areas ordinance will be made later in the SMP update process and described in a separate Integration Strategy document.
- **Shoreline Stabilization:** It is recommended that the sections addressing bulkheads, breakwaters, jetties and groins, and shoreline protection be combined. Definitions and terms in these sections require clarification to conform to the State Guidelines. Existing policies are not consistent with State Guidelines requiring non-structural alternatives for new or expanded shore stabilization where feasible. The SMP is also inconsistent with State Guidelines which say that new stabilization is not allowed except when a “primary structure” is in jeopardy, and when the stabilization does not cause a net loss of ecological functions and processes after mitigation. The County SMP is missing requirements for geotechnical reports in some situations and standards governing the use of “soft” stabilization methods.
- **Management of Working Lands:** Several definitions and policies in the Clallam SMP dealing with specific types of resource-based land/shoreline use are consistent with State regulations, but may benefit from clarification and modification. Potential modifications include adding references to laws, such as the Forest Practices Act, which have been adopted since the last SMP update in 1992; distinguishing existing and new agriculture; addressing the full range of aquaculture cultivation and harvest practices that are commonly used in today’s shellfish industry; and addressing developments and uses that are ancillary to timber harvest (such as road building and culvert installations, for example) and may be regulated under the SMP.
- **Shoreline Environment Designations:** The County designates five shoreline environments (Natural, Conservancy, Rural, Suburban, and Urban). State Guidelines establish six designations; however flexibility is allowed. Identifying the best designation system for the

County requires a more detailed assessment of current land use and ecological conditions, which is underway through the shoreline inventory and characterization (scheduled for completion in June 2011).

- **Use Activity Regulations:** Compared to State Guidelines, Clallam County's SMP use activity regulations are missing several sections addressing clearing and grading, integration with the critical areas code, integration with flood hazard reduction plans, clarification of public access requirements, limitations and allowances for vegetation removal, stormwater management and the prevention of water quality impairment, and circumstances related to the repair and rebuilding of nonconforming uses and structures².
- **Commercial Development:** State Guidelines indicate that the County may choose to include water-related and water-enjoyment commercial uses as potential preferred commercial uses (in addition to water-dependent commercial development). Making this change could provide greater flexibility to accommodate appropriate shoreline uses. Clarification of parking and public access requirements could also improve consistency with State requirements.
- **Marinas and Boat Launching Facilities:** Several required standards for boating facilities are missing from the SMP including location criteria, configuration, waste disposal, and design.
- **Piers, Docks, Floats, Mooring Buoys and Boathouses:** Definitions and terms throughout this section need substantial clarification and several required standards are missing related to permitting, construction, and the use and storage of hazardous materials. Adding standards related to density, design, spacing, and orientation of docks, piers, and moorage could help ensure that these uses do not create adverse environmental impacts, which will help in achieving the no net loss requirement.
- **Other Uses:** In addition to the sections mentioned above, standards are missing for utilities placement, ports and water-related industries, landfill and solid waste disposal, dredging, and road and railroad design and construction. Definitions and other clarifications would improve sections on archaeological and historical sites, recreational development, education and science research facilities, and hydroelectric development.
- **SMP Organization:** The structure of the existing SMP is somewhat cumbersome. As an example, it is not clear how the Environment and Use-Element Policies (Chapter 2) relate to the policies contained in the Use / Activity chapter (Chapter 5). Standards for Environment Designations appear in four different places (Chapters 2, 3, 4 and 5) and it is unclear how or if the regulations pertaining to Natural Systems (Chapter 4) nest within the Use / Activity regulations in Chapter 5. A more streamlined structure could improve clarity and facilitate more effective administration and compliance.
- **Clarity and Enforceability:** Throughout the County SMP there is a need to add specificity to vague regulations to ensure consistent application to all shoreline properties. For example, the SMP regulation which says *Construction of piers, jetties, and groins will be permitted only*

² Non-conforming use/structure refers to an activity or structure that has been "grandfathered in"—was constructed or commenced prior to the date of applicable regulations but does not meet current requirements.

upon submission of proof that no detrimental change of the adjoining beach will result (emphasis added) includes no standards describing how an applicant would meet this test, what information would be required or what criteria would be used to make a determination. Many similar statements exist throughout the SMP, which appear problematic to interpret.

- **Terminology:** Many terms and definitions need revision to maintain consistency with the terminology used by the State in the SMP Guidelines and other regulations. References to applicable federal and State laws need to be updated. Some wording is out-of-date and should be brought in conformance with current laws, standards and usage.

POPULATION GROWTH SINCE THE SMA WAS PASSED

Census Data	1970	2009
Clallam County*	34,770	71,413
WA State	3,409,169	6,664,195

Clallam County’s population has more than doubled since the SMP was first adopted in 1976—and shoreline conditions continue to change. Much of the growth and development has and will occur along shorelines of the state. As a growing number of County residents and visitors come to rely on the lakes, rivers and marine shores for recreational use, economic development, aesthetic enjoyment and other purposes, the need for an effective and fair shoreline management strategy intensifies.

**Approximately 60 percent of County residents live in unincorporated areas.*

Part II - Section-by-Section Summary

Chapter 1 Preamble and Purpose

What does *Consistency* mean?

When comparing the County's existing SMP to the State's Guidelines, it is not always possible to make conclusive statements about consistency. This is because some aspects of the Guidelines are very prescriptive but other aspects are less clear-cut. For example, the Guidelines treat forest practices very clearly by indicating that SMPs must defer to the Forest Practices Act for limits on forest harvest. Outside of commercial forest areas, the Guidelines require that buffers be established to protect shoreline resources, but precise buffer widths are not specified. Within this spectrum, there are many instances where the Guidelines describe a general performance standard, but leave open the precise approach for meeting the standard.

Consistency with the state requirements is based in large part on whether the SMP ensures there will be "no net loss of ecological functions." Achieving no net loss requires a cohesive set of policies and regulations that are integrated to create a sound management strategy. Vegetation management, buffers, dimensional standards and other considerations are part of that

Chapter 1 of the SMP describes the natural setting of Clallam County and the historic pattern of development, and establishes the importance of protecting natural resources. This introduction may need to be updated to reflect the community's current attitude towards their shorelines, based on the Vision Statement, to be prepared in mid-2011. The County also may want to consider reiterating some of the policy goals of the Shoreline Management Act (related to public access, ecological protection and water-dependent use) in this section by adding statements that further describe the SMP purpose as helping to:

- Guide the future use and development of the County's shorelines in a positive effective, and equitable manner consistent;
- Ensure adequate, safe, and ecologically sustainable access to public waters for all citizens;
- Promote the health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for use and development of the County's shorelines;
- Ensure, at minimum, no net loss of shoreline ecological functions and processes;
- Plan for restoring shorelines that have been impaired or degraded in the past; and
- Adhere to the State's policies contained in the Shoreline Management Act for shorelines of the state.

Chapter 2 Goals and General Policies

Chapter Content: Chapter 2 states that *the goal of this Master Program is to preserve, to the fullest extent possible, the scenic, aesthetic and ecological qualities of the shorelines of Clallam County, in harmony with those uses which are deemed essential to the life of its citizens.* Eight general policies have been included to achieve this goal.

Consistency: This chapter is generally consistent with State requirements, but some inconsistencies occur:

- Policy I prohibits any development that would destroy the aesthetic, scenic, historic and ecological qualities of ‘natural’ shorelines, which is consistent with State law.
- Policy II concerns public access to ‘natural’ shorelines, and should probably be broadened to address access to all types of shorelines.
- Policy III states that protection of water quality is the primary goal of shoreline management, yet the State law establishes that ecological protection (not limited to water quality), public access and support for water-dependent use are the primary policy goals of the Shoreline Management Act.
- Policy IV indicates the Master Program should not interfere with established industrial uses, yet under the State’s policy is that only water-dependent and water-related industrial uses have preference.

Potential Changes:

Potential approaches to improving this chapter include:

- Policies are intended to be guiding statements. The term *shall* implies that the policy mandates that a certain action be done. Consider changing the term *shall* to *should* in each policy statement.
- Policy VIII is consistent with State policies for shoreline of statewide significance, which are a subset of the County’s shorelines. The County should review the language of this policy and determine to which shorelines it should apply. The policy may need to be modified to make its application more explicit.
- Some of the terminology and wording (e.g., *Governmental units*) in this section is outdated and would benefit from updating.

Chapter 3 Environments and Use – Element Policies

Content: Chapter 3 establishes five shoreline environment designations (Natural, Conservancy, Rural, Suburban, and Urban) with definitions, objectives and use policies.

Consistency: There is a general expectation that local governments will revise and refine their shoreline environment designations during the SMP update process to reflect conditions that have changed since the designations were originally assigned. State requirements for shoreline environment designations are somewhat flexible and local governments can adopt any system that is generally consistent with the six designations recommended in WAC 173-26. Clallam County’s current designation system is not totally consistent with State requirements. For example:

- Clallam County does not have an Aquatic designation (for waters below the ordinary high-water mark), which the State recommends. The purpose (objectives) and policies for the

Conservancy Environment, Rural Environment and Suburban Environment and Urban Environment do not align identically with the corresponding State designations.

- According to State requirements, designations (either ones from the State designation system or a local, unique designation) must be applied to shoreline areas based on the existing land use pattern, biological and physical character of the shoreline, and comprehensive plan designations. The County needs to complete its assessment of shoreline conditions, via the shoreline inventory and characterization report, and consult with citizens to determine which designation system makes the most sense and how it should be applied.

Potential Changes:

Potential approaches to improving this chapter include:

- Re-evaluate the designation system using information from the shoreline inventory and characterization and determine which set of designations best apply to Clallam County's shores. Identify criteria for how the desired designations will be applied to each segment of the shoreline. Consider designating the areas below the ordinary high-water mark as Aquatic Environments.
- Consider organizational changes such as consolidating the standards that apply to each designation and including dimensional and density standards for each type of use in one place to usability and clarity.
- Revisit the Use Element policies to ensure they are consistent with the County's comprehensive plan.

Chapter 4 Natural Systems Regulations

Content: This chapter establishes regulations organized by shoreline environment designation for 13 natural systems³. Natural systems include marine Beaches, Spits and Bars, Dunes, Islands, Floodplains, Lakes, etc. The regulations under each system apply to a variety of uses and activities within each shoreline environment designation.

Consistency: Although not necessarily inconsistent with the State requirements, the information in this chapter seems problematic for several reasons:

- The SMP cites WAC 173-16-150 as providing the basis upon which regulations governing development on these natural systems have been determined. This WAC section was repealed in 2000 and replaced by WAC 173-26. Furthermore, this structure (of organizing regulations by natural system) is no longer used in most shoreline master programs.
- The use of the term 'natural systems' to refer to specific shore types/ habitats could create confusion with the use of the Natural Environment designation, which is not the same thing.

³ Natural systems include Marine Beaches; Spits and Bars; Dunes; Islands; Estuaries; Reefs; Bays, Coves; and Headlands; Marshes, Bogs, and Swamps; Lakes; Rivers, Streams, and Creeks; Floodplains; Subtidal Shorelines; and Shoreline Cliffs

- Chapters 4 and 5 are not organized in a consistent manner in that Chapter 4 is organized by characteristics of the property and Chapter 5 is organized by the type of activity or use. Chapter 4 highlights the sensitivity of certain natural systems found in Clallam County and it brings their importance to the attention of permit applicants and County permit reviewers. However, the regulations in Chapter 4 are not broken out by specific types of uses (e.g., residential, commercial, recreation) as they are in Chapter 5 and there are both inconsistencies and overlaps between the two chapters. As an example, Chapter 5 says that commercial development onto a public beach is prohibited, but there is no such language in Chapter 4 under Marine Beaches (4.01). Similarly, Chapter 5 specifies that commercial development is prohibited on shorelines designated as Natural Environment, yet there is no such statement under any of the natural systems in Chapter 4. This duality complicates interpretation and understanding about what is and is not allowed in each environment designation or on each type of shoreline.
- Although defined in the Glossary of the SMP, there is no system or map that spatially defines the location or geographical limits of each natural system. As a result, permit applicants and County permit reviewers may find it difficult to determine where or how these regulations apply. As an example, Dunes are defined in the SMP as mounds or hills of sand along a shoreline that have been formed by wind action. Not only is this definition vague, but permit applicants might have difficulty determining how a Dune differs from a Marine Beach. How would permit applicants know if the marine shore along Gibson Spit was subject to the requirements of Marine Beaches or Spits and Bars? How would County staff know which standards to apply on Morse Creek – Rivers, Stream and Creeks or Floodplains? Without specific definitions and a definitive map, this section of the SMP could be very difficult to administer and enforce.
- The regulations in this chapter are broadly worded and may be difficult to interpret. As an example, the SMP states: *Permits for residential development on unprotected floodplains shall be discouraged.* This wording leaves open the question of what an ‘unprotected floodplain’ is or whether a residential development would or would not be allowed. Another regulation which states: *The forest and other vegetation surrounding bays and coves and on the associated headlands must remain undisturbed* could also be difficult to interpret because it does not provide a specific distance or area ‘surrounding’ the bay wherein vegetation cannot be disturbed. Regulations that do not use specific language and establish specific limitations may result in inconsistent application.

Potential Changes:

Potential approaches to improving this chapter include:

- Address the variability in natural systems using the shoreline environment designation system. For example, estuaries, reefs, and undeveloped islands could be designated as Natural Environment. Regulations that are intended to protect those natural systems would then be grouped under the Natural Environment designation. This would allow the County to manage these systems differently according to their unique characteristics, but to also group and consolidate segments of the shoreline that have similar characteristics and management needs. Using the environment designation system structure would enable applicants and County staff to clearly determine which set of regulations applies. This relieves permit applicants of the

burden of figuring out how their property will be regulated but still ensures protection of sensitive areas.

- Consolidate regulations that apply to all shorelines and group them by topics such as water quality, vegetation conservation, clearing and grading, and dredging. Regulations like *prohibiting discharge of sewage, animal wastes, pesticides, fertilizers or other agricultural chemicals into the water of bays or coves in the Rural environment* are appropriate for all environments and all waterbodies, in conformance with State and federal water quality regulations.
- Add specificity to vague regulations to ensure consistent application to all shoreline properties.

General Policies and Regulations Missing from the SMP

State rules require the SMP to address the following topics, which are missing from the Clallam County SMP. Consider incorporating the following sections and their associated definitions, policies and regulations to maintain consistency with State requirements:

1. **Clearing and grading.** Regulations would need to address:
 - a. Erosion and sedimentation control; and
 - b. Maintaining slope stability.
2. **Critical areas.** Regulations would need to include:
 - a. Integration of Clallam County's critical areas ordinance either by adopting pertinent provisions of the ordinance by reference or incorporating regulations directly into SMP.
3. **Flood hazard reduction.** Regulations would need to include:
 - a. Preference for nonstructural flood hazard reduction measures over structural measures;
 - b. Reference to / integration of Clallam County's floodplain regulations; and
 - c. Preference for setback levees, removal of artificial restrictions to natural channel migration, and restoration of off-channel hydrological connections.
4. **Public access.** Regulations would need to address:
 - a. Types of developments that must provide public access (e.g., residential subdivisions of more than four lots and commercial developments, but not single family residential developments);
 - b. Circumstances in which public access requirements can be waived;
 - c. Areas where public access should be avoided (highly sensitive or fragile environments and areas where safety risks occur); and
 - d. Types of public access that must be provided.

5. **Nonconforming uses and structures.** Regulations would need to include:
 - a. Reference to existing nonconforming standards in the zoning code; or
 - b. Regulations that address circumstances in which nonconforming structures and uses can be rebuilt, expanded, modified and / or repaired.

6. **Restoration.** Regulations would need to include:
 - a. Requirement that restoration projects address legitimate restoration needs and priorities;
 - b. Provisions that facilitate implementation of the Clallam County restoration plan (to be developed).

7. **Vegetation conservation.** Regulations would need to address:
 - a. Requirements for vegetation retention;
 - b. Limitations on clearing of existing vegetation;
 - c. Minimum setback and/or buffer requirements;
 - d. Allowance for selective pruning for view protection and safety (hazard tree removal); and
 - e. Control of invasive plant species.

8. **Water quality.** Regulations would need to address:
 - a. Prevention of impacts to water quality which could result in a net loss of ecological functions; and
 - b. Reference to / integration of existing County stormwater management regulations.

Chapter 5 Use Activity Regulations

Content: Chapter 5 is the core of the SMP and establishes definitions, policies, regulations, environment-specific regulations, and special regulations for 22 shoreline uses and activities.

Consistency and Potential Changes: The consistency with State requirements and potential changes for Chapter 5 are summarized in Table 1 and analyzed below in separate sections, in the same order as the SMP. In addition to the potential changes outlined below for each separate use / activity, the following additions to Chapter 5 have been identified for further consideration:

- Consolidate permitted, conditionally permitted and prohibited uses and modifications into a table organized by shoreline environment designation instead of, or in addition to the environment-specific regulations section listed under each use as shown in the sample below.
- Alphabetize the uses and activities in this chapter for ease of reference.

- Create a table in the SMP listing dimensional standards for all types of shoreline uses and environment designations that applicants and County staff can use a quick reference guide (see sample table below)

SAMPLE TABLE SHOWING USES, ENVIRONMENT DESIGNATIONS AND PERMITTED, CONDITIONAL AND PROHIBITED USES				
P = Permitted Use. C = Conditional use. X = Prohibited use.				
Shoreline Environment Designations				
Shoreline Uses	Natural	Rural	Suburban	Urban
Agriculture	X, P or C	X, P or C	X, P or C	X, P or C
Aquaculture	X, P or C	X, P or C	X, P or C	X, P or C
Boating Facilities	X, P or C	X, P or C	X, P or C	X, P or C
Commercial Development	X, P or C	X, P or C	X, P or C	X, P or C
Water-oriented	X, P or C	X, P or C	X, P or C	X, P or C
Non-water-oriented	X, P or C	X, P or C	X, P or C	X, P or C
Residential	X, P or C	X, P or C	X, P or C	X, P or C
Single family (and normal appurtenances)	X, P or C	X, P or C	X, P or C	X, P or C
etc	X, P or C	X, P or C	X, P or C	X, P or C
etc	X, P or C	X, P or C	X, P or C	X, P or C

Table 1. Summary of Chapter 5 provisions that should be added or revised to ensure consistency, address expected development and improve clarity

SMP Section	Topic	Provisions that Should be Added to Ensure Consistency with State Guidelines or Address Expected Uses and Development	Other Recommended Changes that Could Improve Clarity, Consistency, and Code Administration
5.01	Agricultural Practices	<ul style="list-style-type: none"> • Provisions for new agricultural activities on non-agricultural land; conversion of agricultural lands to other uses; or development on agricultural land that does not meet the definition of agricultural activities 	<ul style="list-style-type: none"> • Clarify riparian vegetation requirements • Clarify waste management requirements • Differentiate between new and existing agriculture • Integrate with critical areas code
5.02	Aquaculture	<ul style="list-style-type: none"> • Policies related to a prohibition on net loss of ecological function, impact to eelgrass/macroalgae, and interference with navigation • Standards related to designing aquaculture facilities to minimize transfer of disease 	<ul style="list-style-type: none"> • Clarify exempt activities from those requiring permit • Consider need for different and unique policies and regulations for different types of aquaculture • Add setback requirements and dimensional standards to address full spectrum of expected aquaculture practices • Add standards for maintenance, harvest, replanting, restocking or changing the species • Address proximity of aquaculture use to populations of sensitive species/ habitats • Describe preferred approaches for controlling predators and minimizing impacts on adjacent lands
5.03	Forest Mgt. Practices	<ul style="list-style-type: none"> • Standards for converting forest land to non-forestry uses • Standards for road construction and other types of development that are ancillary to the timber harvesting and can be regulated via the SMP. • Standards and conditions for forest practices in the Natural Environment 	<ul style="list-style-type: none"> • Integrate and reference with Forest Practices Act requirements. •
5.04	Commercial Development	<ul style="list-style-type: none"> • Standards that define when non-water-oriented commercial are allowed • Standards requiring non-water-oriented commercial uses to provide public access and ecological restoration 	<ul style="list-style-type: none"> • Need to integrate with zoning code • Add specificity to parking regulations • Priority for water-dependent commercial development may be expanded to water-related and water-enjoyment uses
5.05	Marinas and Boat Launching	<ul style="list-style-type: none"> • Policies related to a prohibition on net loss of ecological function in siting and operating boating facilities 	<ul style="list-style-type: none"> • Clarify terms related to boating facilities • Regulations and standards related to waste disposal

SMP Section	Topic	Provisions that Should be Added to Ensure Consistency with State Guidelines or Address Expected Uses and Development	Other Recommended Changes that Could Improve Clarity, Consistency, and Code Administration
	Facilities	<ul style="list-style-type: none"> Standards related to location, design, navigation, and moorage 	could be expanded to project water quality
5.06	Mining	<ul style="list-style-type: none"> Policies related to mining and habitat restoration Standards for mining in river systems Standard for determining water-dependent mining Standards for operational plans and environmental impact analysis Standards for determining appropriate or inappropriate locations for mining Requirement for a shoreline conditional use permit when mining in a channel migration zone 	<ul style="list-style-type: none"> Integrate with flood hazard reduction plans and critical areas code Review and update definitions, particularly with respect to bar scalping Language clarification of marine beaches may be needed
5.07	Outdoor Advertising	<ul style="list-style-type: none"> None. There are no SMP requirements for signs 	<ul style="list-style-type: none"> Integrate with county sign code SMP policies address visual impact and may need to be considered further if the section is replaced by a reference to the sign code
5.08	Residential Development	<ul style="list-style-type: none"> Policy stating that single family residences are a priority use Requirement that single family structures in Natural Environment designation obtain a conditional use permit Standards for vegetative buffers and residential density (buffers are defined in critical areas code) Requirement to provide shoreline access for developments > 4 lots Standards for setback from shorelines that are steep and vulnerable to erosion Standards for new residential subdivisions to ensure no net loss of ecological function or the need for shoreline stabilization structures in the future 	<ul style="list-style-type: none"> Standards for residential development and other uses may be placed into a bulk dimensional standards table for easier reference. Definitions for residential development and appurtenances could be clarified
5.09	Utilities	<ul style="list-style-type: none"> Requirement to locate utilities within existing rights of way where possible Requirement to locate transmission facilities (e.g., pipes 	<ul style="list-style-type: none"> Update definitions for greater clarity Add specificity related to the requirements to place utilities underground where practical

SMP Section	Topic	Provisions that Should be Added to Ensure Consistency with State Guidelines or Address Expected Uses and Development	Other Recommended Changes that Could Improve Clarity, Consistency, and Code Administration
		<p>and lines) away from shorelines or ensure no net loss</p> <ul style="list-style-type: none"> • Requirement to locate non-water oriented utility facilities away from shoreline 	<ul style="list-style-type: none"> • Provisions related to hydroelectric facilities may be moved to 5.22, and references to state and federal requirements added • Organize by utility type for easier reference • Clarify the policy prohibiting utility facilities that are detrimental or hazardous to community
5.10	Ports and Water-Related Industries	<ul style="list-style-type: none"> • Standards related to the storage and disposal of industrial equipment and waste • Requirements for industrial facilities to consider incorporating public access • Standards for new non-water-oriented industrial development • Policies encouraging industrial development and redevelopment to locate where environmental cleanup and restoration of the shoreline area can be incorporated into the project 	<ul style="list-style-type: none"> • Log storage standards need further review and additions related to protection of shorelines • Add a policy encourage industrial clean-up and restoration in re-development
5.11	Bulkheads	<ul style="list-style-type: none"> • Limits on new stabilization except when needed to protect an existing primary structure in imminent danger • Policies and regulations related to mitigation and no net loss of ecological function • Requirement to use alternatives to shoreline stabilization structures whenever possible • Requirement for geotechnical reports • Regulations addressing replacement of existing hard structural stabilization measures 	<ul style="list-style-type: none"> • Definitions should be updated for clarity and consistency with State requirements • Integrate this section with 5.12, 5.13 and 5.16 and create one section for Shoreline Stabilization
5.12	Breakwaters	<ul style="list-style-type: none"> • Requirement to obtain a conditional use permit for breakwaters in all environment designations 	<ul style="list-style-type: none"> • Consolidate this section into a shoreline stabilization section to conform to State Guidelines, which would necessitate changes to definitions and policies as noted above • Regulations addressing design and location of breakwaters and effect on littoral drift may need

SMP Section	Topic	Provisions that Should be Added to Ensure Consistency with State Guidelines or Address Expected Uses and Development	Other Recommended Changes that Could Improve Clarity, Consistency, and Code Administration
			additional specificity
5.13	Jetties	<ul style="list-style-type: none"> Requirement to obtain a conditional use permit for jetties and groins shorelines stabilization structures in all environment designations; SMP regulations that permit jetties and groins for improvement of navigation and maintenance of channels are not consistent with state requirements 	<ul style="list-style-type: none"> Consolidate this section into a shoreline stabilization section to conform to State Guidelines, which would necessitate changes to definitions and policies as noted above SMP requires compensation when jetties and groins deter littoral drift or tidal currents related to habitat. Specificity on the circumstances or compensation methods should be provided
5.14	Landfill and Solid Waste Disposal	<ul style="list-style-type: none"> Policy that fills be designed and constructed so as to avoid loss to ecological functions Regulations establishing a mitigation sequence Consideration of net shore drift needed related to the placement of fill in marine environments 	<ul style="list-style-type: none"> Definitions should differentiate between landfill and general fill Suggest moving sections related to solid waste disposal facilities to the Utilities Section Consider expansion of the circumstances allowing fill waterward of the OHWM, consistent with State Guidelines Clarification needed related to the placement of fill on shorelands Consider adding requirement for a Temporary Erosion and Sediment Control plan for fill projects
5.15	Dredging	<ul style="list-style-type: none"> Regulations prohibiting disposal of dredged material on shorelands, wetlands, or channel migration zones are missing Regulations to require conditional use permit for dredging Standards related to dredging for the purpose of maintaining navigation channels 	<ul style="list-style-type: none"> Clarify that this section also covers the disposal of dredged material (and add standards as appropriate) Policy discouraging dredging to obtain fill may need to be modified to facilitate ecological restoration projects
5.16	Shoreline Protection	See above for section 5.11, 5.12 and 5.13	<ul style="list-style-type: none"> Create separate section for flood hazard reduction Sections on bulkheads could be consolidated with 5.11 Definitions are not consistent with the state's definitions for shoreline stabilization and should be

SMP Section	Topic	Provisions that Should be Added to Ensure Consistency with State Guidelines or Address Expected Uses and Development	Other Recommended Changes that Could Improve Clarity, Consistency, and Code Administration
			updated
5.17	Roads and Railroads	<ul style="list-style-type: none"> • Policy stating that parking is not a preferred use of the shoreline • Several regulations for parking within shoreline jurisdiction 	<ul style="list-style-type: none"> • Consider expanding to include pathways and parking • Specificity needed for some regulations • Several provisions could be added to clarify the design and placement of transportation infrastructure to minimize loss to ecological function
5.18	Piers, Docks, Floats, Mooring Buoys and Boathouses	<ul style="list-style-type: none"> • Standards addressing maximum width and length of docks and piers • Policy to encourage the development of joint-use docks for 2 or more parcels • Policies related to the placement of docks and piers to avoid impact to shoreline ecological processes • Policy regarding the type of materials used in construction of these structures • Requirement to demonstrate that the use of alternative facilities is not feasible • Use of construction materials that avoid pollutant discharge over the long term • Standards related to storage of fuels and chemicals • Conformance with applicable health standards for waste disposal • Standards related to light penetration and orientation of docks • Standards that limit the number of docks, boathouses, etc. per residence 	<ul style="list-style-type: none"> • Definitions need clarification to differentiate docks and piers, and describe mooring buoys more specifically
5.19	Archaeological and Historical sites	None	<ul style="list-style-type: none"> • Suggest policy to include coordination with tribes in the consultation process • Policies need modification to ensure compliance with State Historic Policy Act • Revision to the timelines for consultation may be

SMP Section	Topic	Provisions that Should be Added to Ensure Consistency with State Guidelines or Address Expected Uses and Development	Other Recommended Changes that Could Improve Clarity, Consistency, and Code Administration
			needed
5.20	Recreational Development	<ul style="list-style-type: none"> Standards do not differentiate between water-dependent, water-related, and water-enjoyment uses 	<ul style="list-style-type: none"> Definitions of recreation and recreational development should be updated for clarity and consistency with state Specificity may need to be added to the requirement that a buffer zone be established associated with recreational developments
5.21	Education and Science Research Facilities	<ul style="list-style-type: none"> Standards do not differentiate between water-dependent, water-related, and water-enjoyment facilities 	<ul style="list-style-type: none"> Modification may be needed to specify that facilities avoid loss of ecological function
5.22	Hydroelectric Facilities	None	<ul style="list-style-type: none"> Definition, policies and regulations need to be modified to address different types of in-stream structures

Agricultural Practices (Section 5.01)

Agricultural practices are defined in the SMP *as methods used in vegetation and soil management, such as tilling of soil, control of weeds, and control of plant diseases and insect pests*. This definition is not consistent with State requirements which establish definitions for agricultural activities, agricultural products, agricultural equipment and facilities, and agricultural land.

Agricultural provisions in the SMP are partially consistent with State requirements:

- State requirements prohibit local master programs from placing new limitations on existing agricultural activities, but local governments can regulate new agricultural uses (on lands not meeting the definition of agricultural land) through their SMPs. The SMP currently allows agricultural uses in all environment designations, but is not clear as to whether this applies to existing agricultural practices or to new agriculture. State requirements establish that new agricultural activities *must be consistent with the environment designation in which the land is located*. The County could consider specifying in the SMP that existing agricultural activities are allowed in all environments, but add policies and regulations governing new agricultural uses and developments for each environment designation consistent with the inventory and characterization report findings, the County's comprehensive plan and other pertinent information.
- The SMP requires buffer zones of permanent vegetation or other suitable soil erosion control methods between tilled or grazed areas and associated water bodies. This regulation is generally consistent with State requirements that new agricultural activities ensure no net loss of ecological functions, but since the required buffer width is unspecified, it is unclear if this regulation could be applied in a manner that maintains ecological functions. Consider the need for more specific regulations to minimize the effect of agricultural uses on shoreline ecology using information from the inventory and characterization. Clarification of these requirements may improve predictability for agricultural landowners and operators for future agricultural development.
- The SMP requires animal feeding operations, retention and storage ponds, feed lot waste and manure stockpiles are required to be located in a manner so as to prevent contamination of associated waterbodies. This regulation is generally consistent with the State requirement that new agricultural activities maintain ecological functions. Consider specifying the appropriate locations (by environment designation) for these types of agricultural activities and establishing additional standards that ensure ecological protection.

This section is missing some provisions that are required by State Guidelines:

- Provisions addressing new agricultural activities on land not meeting the definition of agricultural land.
- Provisions addressing conversion of agricultural lands to other uses.
- Provisions addressing other development on agricultural land that does not meet the definition of agricultural activities.

Aquaculture (Section 5.02)

Aquaculture is defined as *the farming or culturing of game and food fish, or aquatic plants and animals in fresh or salt water areas*. This definition is generally consistent with State requirements, but could be expanded to add additional clarity. For example, adding *...and may include development such as structures, as well as use of natural spawning and rearing areas*. *Aquaculture does not include the harvest of wildstock geoduck on state-owned lands* would make this definition more clear.

A policy discouraging aquaculture where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses is missing from the SMP per State requirements.

Although the regulations are generally consistent with State requirements, they do not appear to address the full range of issues and concerns that aquaculture uses and developments often present. Cultivation and harvest practices for fish and shellfish have changed substantially since the County's SMP was developed in 1976 and State policies and regulations pertaining to aquaculture are in flux. As a result, this is one aspect of the SMP where major policy and regulatory changes may be needed to ensure that aquaculture remains a viable economic, recreational and cultural use, yet has appropriate safeguards for ecological protection, navigation, and aesthetic preservation. Some topics that require further consideration in this chapter include, but are not limited to:

- Maintenance, harvest, replanting, restocking or changing the species;
- Whether certain intensive aquaculture uses and development should be subject to a conditional use permit;
- Proximity of aquaculture use to populations of sensitive species/ habitats such as wildlife refuges, sea lion haulouts, seabird nesting colonies, or other areas;
- Allowed approaches for controlling predators such as birds and mammals; and
- Effects of noise, light and other operational issues on nearby surrounding land uses.

To improve this section of the SMP:

- References to some State laws in this section should be brought up to date.
- Consider the need to have different and unique policies and regulations for different types of aquaculture (i.e., bottom culture, floating/hanging culture, fin fish production and/or geoduck aquaculture).
- Consider relocating regulations that address which aquaculture practices trigger a shoreline substantial development permit and which are considered exempt to an administrative provisions chapter (see recommendation for a new Chapter under Appendices below).
- Consider adding specificity to regulations in the SMP to ensure consistent application of standards to all permit applicants. For example, one regulation states *rafting structures shall be designed so as to cause minimal interference with littoral drift*. Establishing a preference for certain rafting structures, limiting size and dimensions of rafting structures or requiring

applicants to provide appropriate mitigation to ensure no impact to littoral drift are all examples that would help clarify the regulations in the SMP.

- Consider consolidating standards for shoreline protection / erosion control in one section of the SMP and cross-referencing as appropriate in this section. The SMP requires new developments to be located and constructed in a manner that minimizes the need for structural stabilization. This is consistent with State requirements; however, consider changing the terms shoreline protection structures and shore defense structures to shoreline stabilization to maintain consistency with terminology used in the State requirements.
- Consider additional setback requirements and dimensional standards to address the full spectrum of expected aquaculture practices and operations. In addition, new standards may be needed to address experimental aquaculture and cultivation of species that have not yet been cultivated in Washington State. The SMP currently establishes a 50-foot wide vegetated buffer zone for hatchery operations and a 50-foot setback for non-water dependent structures. These setback requirements should be reviewed for consistency with County critical areas regulations and revised as needed to protect ecological functions.

Forest Management Practices (Section 5.03)

Forest management practices are defined in the SMP as *those methods used for the protection, production and harvesting of timber*. SMP Guidelines do not define forest management practices so there are no consistency issues with this definition.

The regulations that reference the Forest Practices Act are consistent with State requirements which State that local SMPs should rely on the Forest Practices Act, rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within shoreline jurisdiction. Including regulatory language from the Act, implementing rules or the *Forest and Fish Report* in the SMP is optional.

This section is missing some provisions that are required by State Guidelines:

- Consider adding a regulation that states that when land is converted to non-forestry uses the proposed use or development shall be regulated according to the standards that apply to the proposed use/development and not to the forest practices regulations. Adding this regulation would ensure consistency with the State requirements and help clarify to permit applicants and County permit reviewers the appropriate application of the SMP to conversions.
- The SMP does not make clear that road construction and other types of development that are ancillary to the harvesting of timber can be regulated via the shoreline master program and can be subject to shoreline substantial development permit requirements. This requirement should be stated clearly to avoid confusion and/ or misinterpretation.
- The regulations that place limitations on logging do not reference the Forest Practices Act and may go beyond what is currently required. Consider clarifying the limitations so they are consistent with the Forest Practices Act and State Guidelines.
- Forest management practices that occur on shorelines of statewide significance can be regulated in terms of the amount of timber harvest that can occur. The SMP limits timber

cutting to no more than thirty percent (30%) of the merchantable timber in any ten (10) year period; this regulation could be moved from the Natural Environment designation section to the General Regulations section and revised to apply only to shorelines of statewide significance. This would ensure consistency with State requirements. State requirements allow for an exception to this standard if a conditional use permit is obtained. Consider adding this exception to ensure consistency and to provide flexibility to property owners. Also, State requirements mandate that forest practices in the Natural Environment require a conditional use permit. This regulation should be added to be consistent with State requirements.

Commercial Development (Section 5.04)

Commercial development is defined in the SMP as *those uses which involve the interchange of goods, wares or commodities such as wholesale and retail trade or other business activities requiring structures ranging from small businesses within residences to large buildings*. The SMP Guidelines do not define commercial development, so there are no consistency issues with this definition. Consider using the definition from the County's zoning code for commercial to maintain consistency with existing codes.

The SMP includes a policy stating that *Assessment should be made as [to] the effect a commercial structure will have on a significant scenic view*. This is generally consistent with State policies for protecting shoreline views and aesthetics, but it may not be effective because there is no corresponding regulation to implement the policy.

The SMP allows water-dependent commercial used to be located on or over-water. While not totally inconsistent with State requirements, this regulation could be clarified to include additional side-boards designed to ensure that adverse impacts on water quality, eelgrass, salmon migration and other important resources are mitigated.

The SMP regulates small businesses within residences as commercial development, which may prove problematic. The State requires that commercial developments within shoreline jurisdiction provide public access and meet more stringent site development standards than residential developments, so treating these residences as commercial uses may be too onerous.

Consider revising the policy in the SMP regarding priority for water-dependent commercial developments to also include a preference for water-related and water-enjoyment commercial uses over non-water-oriented commercial uses. This revision would improve consistency with State requirements. The SMP is currently missing a definition for water-enjoyment uses.

Consider adding specificity to the regulation in the SMP that states that *parking for more than 10 vehicles must be located inland unless parking is considered an intrinsic part of the water-dependent use*. Clarifying how far inland parking should be placed (for example, upland from proposed or existing structures) and what uses would be considered intrinsic (for example, temporary unloading and loading parking stalls) could help ensure consistent application of regulations for all shoreline property owners. The threshold of 10 parking spaces may need to be re-evaluated to determine whether it meets State requirements for minimal impacts. Parking could also be required to be located inland (as it is in the case of Recreational Development in Section 5.20) unless it is intrinsic to a water-dependent activity, regardless of the number of parking spaces to be sited.

The following standards are required by the State but are missing from the SMP:

- Non-water-oriented commercial uses shall be prohibited unless they are part of a mixed-use project, the commercial use is proposed at a site where navigability is severely limited, or is proposed at a site physically separated from the shoreline by another property in separate ownership or by a public right-of-way.
- When permitted, non-water-oriented commercial uses shall provide public access and ecological restoration.

Marinas and Boat Launching Facilities (Section 5.05)

Marinas and boat launching facilities are defined as *facilities that provide both physical and visual shoreline access and provide moorage, supplies, and services for commercial or recreational craft while launch ramps serve primarily as physical access for boaters*. This definition is generally consistent with State requirements.

Regulations in the SMP that address fuel storage and sewage disposal are consistent with State requirements mandating facilities meet health, safety and welfare requirements. Consider expanding the regulation to address storage of other wastes, such as unused bait and fish or shellfish cleaning wastes.

The following standards for boating facilities are required by the State but are missing from the SMP:

- Language specifying that marina and launching facilities ensure no net loss of ecological functions. This could be added to the policy in the SMP that states that *marinas and boat launching facilities should minimize damage to fish and shellfish resources*. This revision would ensure consistency with State requirements.
- Appropriate locations for boating facilities (for example, prohibit facilities in shallow embayments with poor flushing, estuaries, and eelgrass beds).
- Dimensional limits and required configuration.
- Types of boat launch ramps (public versus private).
- Design standards to ensure boating facilities blend in with surrounding uses and do not adversely alter the natural and built aesthetics of the surrounding area.
- Regulations to address waste-handling and other sanitary services for live-aboards to ensure impacts to shoreline resources are minimized.
- Regulations to protect the rights of navigation.
- Regulations restricting vessels from extended mooring on waters of the State except as allowed by applicable State regulations and unless a lease or permission is obtained from the State and impacts to navigation and public access are mitigated.

Mining (Section 5.06)

Mining is defined in the SMP as *the removal of naturally occurring materials from the earth for economic use*. This definition is slightly different from State requirements which define mining as *the removal of sand, gravel, soil, minerals and other earth materials for commercial and other uses*.

The definition also states that *sand/gravel removal or gravel bar scalping in association with shoreline defense/maintenance developments shall not constitute mining and shall be regulated under the*

Shoreline Protection Use Activity of this Master Program. Regardless of where this activity is addressed, State requirements must be addressed. The State requirements prohibit mining within active river channels (waterward of the ordinary high-water mark) except in limited circumstances where an applicant can show that the mining will not adversely affect the natural processes or have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

Mining policies may need to be clarified to integrate with flood hazard reduction and habitat restoration policies and regulations. Adding a policy that mining activities should be properly sited, designed, conducted, and completed to ensure no net loss of ecological functions would help to improve consistency with State rules.

A policy that preference should be given to mining activities which result in the creation, restoration, or enhancement of habitat for priority species is missing from the SMP.

The policy requiring mining operations to use buffer zones, settling ponds, and erosion prevention measures is consistent with State requirements. However, there are no corresponding regulations or performance standards for these features, so it is unclear how this policy is implemented.

The special regulation in the SMP regarding the prohibition of mining on marine beaches is consistent with State requirements. However, the terminology may need further clarification indicating that the regulation applies to marine *waterbodies*, rather than just marine *beaches*. Otherwise, marine beaches may be misinterpreted to just mean marine areas with sand.

The following standards for mining are required by the State but are missing from the SMP:

- Mining waterward of the ordinary high-water mark of a river shall only be permitted when:
 - Removal of sand and gravel will not adversely affect the natural processes of gravel transportation for the river system as a whole.
 - Mining will not have a significant adverse impact to habitat for priority species or cause a net loss of ecological functions.
- Mining in a river's channel migration zone shall require a shoreline conditional use permit.
- Mining activities shall be water-dependent. A determination of water-dependency must be based on evaluation of geologic factors such as the distribution and availability of mineral resources for Clallam County, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors.
- Application for permits for mining operations shall be accompanied by operation plans, reclamation plans and analysis of environmental impacts. Such information must provide sufficient documentation to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation.
- Standards that address appropriate locations for mining (for example, in marine and lake shores).

Outdoor Advertising (Section 5.07)

There are no SMP Guidelines regarding advertising in shoreline areas; therefore, there are no consistency issues.

Consider revising this section to be consistent with Clallam County's sign code to ensure uniform application of regulations throughout the County. The regulations in the SMP could be modified or replaced with a reference to the County code. The policies in the SMP addressing the potential for signs to have a visual impact on the shoreline should probably be retained unless there is a similar policy in the county sign code.

Residential Development (Section 5.08)

Residential development is defined in the SMP as *the subdivision or improvement of land for human occupation, normally in the structural forms of single family homes, mobile homes, condominiums, multi-family units, bed and breakfast inn facilities and planned unit developments*. The State defines residential development as *including single family residences, multifamily development, and the creation of new residential lots through land division*. The definition in the SMP is generally consistent but may need to be reworded to better align with State requirements. Consider incorporating the definition of residential development from the County's zoning code to also maintain consistency with existing codes.

Appurtenance is also defined in the SMP and described as *necessarily connected to the use and enjoyment of a single family residence and is located landward of the perimeter of a marsh, bog, or swamp and may include a garage; deck; driveway; utilities; fences; grading which does not exceed 250 cubic yards; and home occupations*. The definition is generally consistent with State requirements but could be revised to more closely match State language. The State defines appurtenance as being located landward of the ordinary high-water mark as well as the perimeter of a wetland. State requirements also limit grading to areas landward of the ordinary high-water mark and outside any wetland.

State Guidelines for this use activity include a policy to identify single-family residences as a priority use provided they are developed in a manner consistent with control of pollution and prevention of damage to the natural environment. This important policy is missing from the Clallam SMP and should be added to be consistent with State requirements.

The prohibition on over water residential and residential accessory structures is consistent with State requirements that prohibit floating homes and over-water residences.

The SMP has a table for residential shore setbacks, organized by shoreline environment designation. Establishing setbacks is consistent with State requirements; however, the width of these setbacks will need to be examined in light of the inventory and characterization findings to ensure that it meets the requirement for no net loss of ecological functions. Standards for residential development and other uses and activities may be incorporated into a comprehensive dimensional standards table. The table could serve as an easy reference point for site plan design and permit review.

In addition to structure setbacks, State Guidelines require vegetated buffers and residential density standards. Buffer and density standards are missing from the SMP and are necessary to ensure consistency with State requirements.

The SMP allows single-family structures in the Natural Environment. State requirements mandate that residential developments in the Natural Environment obtain a conditional use permit.

The following standards for residential development are required by the State but are missing from the SMP:

- Community or public access is required for new residential development of four or more residential units or lots.
- Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including walls and other stabilization structures, are not required to protect such structures and uses.
- New residential subdivisions must be designed and configured in a manner that:
 - prevents the loss of ecological functions at full build-out
 - prevents the need for new shoreline stabilization or flood hazard reduction measures
 - is consistent with applicable SMP environment designations and standards.

Utilities (Section 5.09)

Utilities are defined as *services which produce or transmit electrical energy, gas, sewage, communications, oil and provide service to the infrastructure within the County*. This is similar but not entirely consistent with State requirements which define utilities as *services and facilities that produce, convey, store or process power, gas, sewage, communications, oil, waste and the like*. Consider revising the definition to align more closely with State requirements.

The policies in the SMP are consistent with State requirements. Consider adding specificity to the policy that states that *utility facilities which would be considered hazardous or detrimental to the community and the environment are not preferred uses*. Listing some example utility uses that could be deemed hazardous or detrimental, like solid waste disposal sites and petroleum refineries would help clarify the intent of this policy.

The SMP requires utilities to be placed underground whenever practical. Consider specifying when utility lines should be placed underground to ensure a consistent application of requirements for all permit applicants. For example, underground utilities can be required for new shoreline development and when utility lines are placed parallel to the shoreline.

The SMP requires hydroelectric facilities to provide adequate measures to assure the uninterrupted passage of migratory fish. Consider referring to the applicable State and federal utility licensing procedures and the State Department of Ecology reservoir permit requirements to add specificity to this regulation. To meet State requirements, consider expanding this regulation to require hydroelectric facilities to avoid impacts to spawning, nesting and rearing habitat and critical areas. Consider moving the regulation to Hydroelectric Development and Impoundment Structures (Section 5.22).

The following standards for utilities are required by the State but are missing from the SMP:

- Utilities shall be located in existing rights of way and corridors whenever possible.

- Transmission facilities, such as power lines, cables, and pipelines, shall be located outside of the shoreline area when feasible. If transmission facilities are permitted to be located within the shoreline area, the project shall assure no net loss of shoreline ecological functions.
- Non-water-oriented facilities, or parts of those facilities, such as sewage treatment plants, shall not be located in the shoreline unless it can be demonstrated that no other feasible option is available.

Consider organizing regulations by utility type, such as water systems, solid waste disposal, oil, gas and natural gas transmission, and electrical energy and communication systems.

Ports and Water-Related Industries (Section 5.10)

Ports and water-related industries are defined in the SMP as *centers for water borne traffic involving commercial shipping, marine terminal operations, and water-related industry and manufacturing*. Industrial development and ports are not defined in the SMP Guidelines; therefore there is no consistency issue with State requirements. This section does not address non-water-related industries and there are no regulations in this section or anywhere in the SMP that clearly set standards for non-water related industries within shoreline jurisdiction. To improve consistency, standards should be added to describe the circumstances under which non-water-related industries could be allowed on the shoreline.

The regulations in the SMP that address log storage are generally consistent with State requirements. However, consider adding additional standards to ensure impacts to the environment are avoided or mitigated to meet the no net loss requirement:

- Limit or prohibit log storage in marine waters or tidelands. Require that storage occur on land except when not feasible.
- Limit in-water log storage to areas that have adequate flushing and water circulation. Require a debris management plan.
- Limit log booming to sub-tidal waters to minimize impacts to nearshore migration corridors for juvenile salmonids.
- Prohibit required setback and buffer areas from being used for storage of industrial equipment or materials, or waste disposal.
- Place limitations on the disposal or storage of solid or other industrial wastes in shoreline areas.

The special regulation in the SMP regarding the prohibition of industrial development in marshes, bogs, swamps and estuaries is consistent with State requirements. The language may need to be update to be consistent with the County's critical areas regulations.

The following standards for ports and industries are required by the State but are missing from the SMP:

- Requirements for industrial facilities to consider incorporating public access as mitigation for shoreline impacts unless public access cannot be provided due to safety or ecological concerns. The SMP requires port facilities to incorporate provisions for public access, but the language does not apply to all industries and should be revised to more closely match State language.
- Prohibition on constructing new non-water-oriented industrial development unless it is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit

with respect to public access and ecological restoration; or unless navigability is severely limited at the proposed site.

- Policies encouraging industrial development and redevelopment to locate where environmental cleanup and restoration of the shoreline area can be incorporated into the project is missing from the SMP.

Bulkheads (Section 5.11)

A bulkhead is defined in the SMP as *a structure erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from the action of waves or currents*. The shoreline Guidelines do not have a definition for bulkheads, but instead treat bulkheads as one type of shoreline stabilization. The SMP addresses shore protection structures in several different sections of Chapter 5: Breakwaters (Section 5.12), Jetties and Groins (Section 5.13) and Shoreline Protection (Section 5.16, which also includes Bulkheads), so there appears to be overlap and redundancy in terms of organization. Consider consolidating the standards that pertain to these structures in one place to provide greater clarity and minimize duplication. This consolidation would also increase conformity with State requirements which address protection of shoreline properties under the term *Shoreline Stabilization*.

If the section is renamed to Shoreline Stabilization, the addition of the following terms and definitions would more closely conform to the language used in the SMP Guidelines.

- *Normal protective bulkheads* are defined as those structural and nonstructural developments installed at or near 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 (normal protective bulkheads is term used in the context of describing activities considered exempt from having to obtain shoreline substantial development permits).
- *Shoreline stabilization* are 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.
- *Nonstructural methods* include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.
- *Hard structural* stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while *soft structural* measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement.

The policy in the SMP that states that construction of bulkheads is permitted only when they provide protection to upland areas or facilities is not consistent with State requirements. To bring the SMP into consistency, the existing policy would need to be replaced with one that states that new or expanded structural shore stabilization should only be permitted where demonstrated to be necessary to protect a primary structure that is in imminent danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

The regulation in the SMP that authorizes a bulkhead when it is adjacent to a navigable channel; when necessary to check extraordinary erosion or for repairs; when the proposed design would not unduly impede littoral drift or affect shoreforms or adjacent shoreline properties; or when necessary to protect navigational aids or recognized historic or archaeological sites is not consistent with State

requirements. State requirements only allow bulkheads (or other hard structural stabilization measures) under the following circumstances:

- To protect existing primary structures if there is conclusive evidence that the structure is in danger from shoreline erosion caused by tidal action, currents or waves and would not result in a net loss of ecological functions.
- In support of non-water-dependent development or water-dependent development if erosion is not being caused by upland conditions; nonstructural measures are not feasible or sufficient; need for stabilization is demonstrated through a geotechnical report; damage is caused by tidal action, currents and waves; and would not result in a net loss of ecological functions.
- To protect projects for the restoration of ecological functions or hazardous substance remediation projects if nonstructural measures are not feasible or sufficient and would not result in a net loss of ecological functions.

The following standards for shoreline stabilization are required by the State but are missing from the SMP:

- Alternatives to structures for shore protection should be used whenever possible and that such alternatives may include no action, increased building setbacks, building relocation, drainage controls and bioengineering.
- Soft structural measures must be used unless demonstrated to be insufficient to protect primary structures, dwellings and businesses.
- A geotechnical report must address the necessity for shoreline stabilization by estimating time frames, rates of erosion and urgency. Hard structural stabilization solutions must not be allowed except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion, or where waiting until the need is immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- Regulations addressing the replacement of existing hard structural stabilization measures:
 - Replacement structure must assure no net loss of ecological functions.
 - Replacement structure must not encroach waterward of the ordinary high-water mark unless the residence was occupied prior to January 1, 1992. In such cases, the replacement structure must tie-in flush with bulkheads on adjoining properties.
 - Existing structure must be removed if a net loss of ecological functions associated with critical saltwater habitats (for example, eelgrass) would occur.
- Shoreline stabilization measures must be limited to the minimum size necessary.

Breakwaters (Section 5.12)

Breakwaters are defined in the SMP as *protective structures built off shore to protect beaches, bluffs, dunes or harbor areas from wave action*. Breakwaters are not defined in shoreline Guidelines; therefore there is no consistency issue with State requirements. However, consolidation of this section with Section 5.11 would conform more closely to State Guidelines, with associated changes to definitions and policies as described above.

There is a policy that states that floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat. The use of the word landfill in this context is confusing. Consider using the term fill instead of landfill to improve clarity.

The regulation that states that breakwaters are allowed for the protection of water-dependent or water-related uses is not consistent with State requirements. State requirements specify that breakwaters are allowed only for water-dependent uses, public access, and shoreline stabilization.

The regulation that states that breakwaters shall be designed and located so as to minimize effects on longshore drift and sediment transport is consistent with State requirements. Consider adding specificity or performance standards to ensure consistent application of this requirement to all permit applicants. For example, consider requiring the establishment of a long term professionally engineered beach nourishment program for projects that would affect littoral drift.

Breakwaters are a permitted use in the Suburban and Urban shoreline environment designations. This is not consistent with State requirements which require conditional use permits for breakwaters, except for those built to protect or restore ecological functions (for example, woody debris installed in streams).

Jetties and Groins (Section 5.13)

A jetty is defined in the SMP as *a structure projecting into the water body for the purpose of protecting a navigational channel, a harbor, or to influence water currents*. A groin is defined in the SMP as *a barrier type of structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials*. The SMP Guidelines do not establish definitions for either jetties or groins. Therefore, there are no consistency issues with State requirements. However, consolidation of this section with the one on Bulkheads (5.11) would conform more closely to State Guidelines.

The policies in the SMP are generally consistent with State requirements.

The regulation in the SMP that states that jetties and groins may be permitted for the improvement of navigation or the maintenance of existing channels is not consistent with State requirements. State requirements allow jetties and groins only for water-dependent uses, public access, and shoreline stabilization.

The regulation in the SMP that states that *when required to preserve significant features or habitats beyond the area to be benefitted by development of a jetty or a groin, methods for compensation for the resulting deterrence and/or reduction of littoral drift and/or tidal currents shall be provided* is vague. The regulation does not specify when jetties and groins are required to preserve significant features or habitats. It also does not establish a method of calculation for compensation. Consider incorporating more specific language to ensure consistent application of this requirement to all permit applicants.

Jetties and groins are a permitted use in the Suburban and Urban environment designations. This is not consistent with State requirements which require conditional use permits for jetties and groins, except for those built to protect or restore ecological functions (for example, woody debris installed in streams).

Landfill and Solid Waste Disposal (Section 5.14)

Landfill is defined in the SMP as *creating upland area by placing materials like sand or rocks in wetlands or on shorelands*. This definition is not consistent with State requirements which define landfill as *placing material in areas waterward of the ordinary high water mark, as well as in wetlands and on shorelands*. Since the term landfill could be misconstrued as pertaining to solid waste disposal and containment, consider changing the wording in this section to fill.

Solid waste disposal is defined in the SMP as *including garbage, industrial wastes and other discarded commodities*. SMP Guidelines do not address solid waste disposal so there are no consistency issues with this definition. Since solid waste disposal is typically thought of as part of the community's infrastructure (like a waste water treatment plant) consider moving the definition, policies and regulations that address solid waste disposal to the Utilities section under 5.09.

Consider replacing the regulation in the SMP that outlines under which circumstances wetland fill can occur with a reference to the County's critical areas regulations to avoid repetition.

The SMP allows fill waterward of the ordinary high-water mark for water-dependent industry and commerce or to enhance public access. However, the State allows fill to be placed waterward of the ordinary high-water mark under more circumstances than those allowed in the SMP. Even though local SMPs can be more restrictive than State requirements, consider adding additional allowances that are appropriate for the County (such as for cleanup of contaminated sediments or disposal of dredged materials).

The SMP does not specify under which circumstances fill can be placed on shorelands. Consider adding appropriate provisions so that it is clear for both permit applicants and County permit reviewers when fill is allowed.

The following standards for fill are required by the State but are missing from the SMP:

- Fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- Fill in wetlands must not cause a net loss in wetland area and function.
- A mitigation priority sequence (avoid, minimize, or compensate) must be applied prior to filling a wetland.

Consider adding the following standards to also address potential impacts to the environment and ensure compliance with the no net loss requirement:

- Require a temporary erosion and sediment control plan to be submitted as part of a project application
- Require consideration of net shore drift when placing fill along sensitive marine environments.

Dredging (Section 5.15)

Dredging in the SMP is defined as *the removal of bottom materials within the water column of a stream, river, lake or any other water body for the purpose of deepening a navigational channel or to obtain the use of the bottom materials*. Dredging is not defined in the SMP Guidelines; therefore, there

are no consistency issues. Consider revising the section heading to include Dredge Material Disposal to clearly indicate that disposal of dredge materials is also regulated.

The policy that states that *dredging for the sole purpose of obtaining fill material should be discouraged* is partially consistent with State requirements. Consider adding “except when material is necessary for the restoration of ecological functions” to the end of the policy statement to ensure consistency with State requirements.

Regulations regarding dredge disposal are generally consistent with State requirements except that a provision should be added that discourages dredge disposal on shorelands or wetlands which are located within a river’s channel migration zone. A conditional use permit is required in those limited circumstances when dredging would be allowed. Consider revising the regulations under Environments to include the requirement for a conditional use permit to maintain consistency with State requirements.

The following standards are required by the State but are missing from the SMP:

- New development shall be sited and designed to avoid, or if that is not possible, to minimize the need for new and maintenance dredging.
- Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins is allowed only where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.
- Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
- Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the dredge material is to be placed shall be located waterward of the ordinary high-water mark.

Shoreline Protection (Section 5.16)

Shoreline protection is defined in the SMP as *those structures or shoreline modifications used for the purpose of retarding erosion, protecting channels and retaining uplands, including, but not limited to, bulkheads, seawalls, rip-rap revetments and gravel bar scalping within streamways*. This definition is not consistent with State requirements. See definition of shoreline stabilization above under Bulkheads (Section 5.11).

Consider moving policies and regulations that address flood protection measures to a new section on flood hazard reduction. Consider moving and consolidating the remaining provisions as described above under Bulkheads (Section 5.11) so that similar policies and regulations appear under one heading.

The policies and regulations in the SMP generally conform to State requirements provided that the standards identified as missing or in need of revisions under Bulkheads (Section 5.11) are incorporated.

Roads and Railroad Design and Construction (Section 5.17)

A road is defined in the SMP as *a surface linear passageway, usually for motor vehicles and a railroad is a surface linear passageway with tracks for train traffic*. Roads and railroads are not defined in SMP Guidelines; therefore, there are no consistency issues. State Guidelines require SMP to address all facets of circulation so expanding the section and revising the definition to include pedestrian and bicycle circulation systems and parking to ensure consistency with State requirements.

Policies in the SMP are generally consistent with State requirements except that a policy that parking is not a preferred shoreline use is missing from the SMP.

Consider adding specificity to regulations in the SMP that use the phrases *significant or unique environmental factors* and *areas of high scenic values*. These are not clearly defined and could lead to misinterpretation or inconsistent application of standards.

The following standards are required by the State but are missing from the SMP:

- Parking facilities are not a water-dependent use and shall only be permitted in the shoreline to support an authorized use where it can be demonstrated that there are no feasible alternative locations away from the shoreline.
- Parking facilities shall be buffered from the waters' edge and less intense adjacent land uses by vegetation, undeveloped space, or structures developed for the authorized primary use.

Consider adding the following standards to address potential impacts to the environment:

- Transportation facilities on shorelines shall be designed to generally follow natural topography, to minimize cuts and/or fills, to avoid cutting off meander bends or point bars, and to avoid adverse impacts to shoreline ecological functions and processes.
- Raised arterial roads or railways shall be built outside the floodway except for necessary crossings. If built in the floodway fringe, such routes should be aligned generally parallel to outside stream bends so they will also act as setback dikes.
- Spans on rivers shall avoid placing structures within the channel migration zone or other dynamic, shifting channel elements such as bends.
- Parking areas shall be developed utilizing low impact development techniques whenever possible including, but not limited to, the use of permeable surfacing materials.

Piers, Docks, Floats, Mooring Buoys and Boathouses (Section 5.18)

Piers are defined in the SMP as *fixed structures in or floating upon water bodies to provide moorage for marine transport, air or water craft, or for recreational activities*. Piers are not defined in the SMP Guidelines; therefore, there are no consistency issues. Consider revising this definition to more clearly differentiate piers and docks by stating that *piers are fixed structures supported by piles in a waterbody that abuts the shore that provides moorage for marine transport, air or water craft, or for recreational activities*

Docks are defined in the SMP as *fixed platform structures in or floating upon water bodies to provide moorage for pleasure craft or landings for water dependent recreation*. This is not consistent with State requirements, which define a dock as *a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances*. Consider revising the definition

to ensure consistency with State requirements. Consider adding that *a dock floats on the surface of the water and is connected to land* to differentiate it from the definition of piers.

Floats are defined in the SMP as *floating structures which are moored, anchored or otherwise secured in the water and which are not connected to the shoreline*. Floats are not defined in the SMP Guidelines; therefore, there are no consistency issues.

Mooring buoys are defined in the SMP as *anchored devices in water bodies*. Mooring buoys are not defined in the SMP Guidelines; therefore, there are no consistency issues. Consider revising this definition to state that *mooring buoys are floating devices anchored in waterbodies used for the landing or moorage of water craft*. This change would help clarify the meaning of mooring buoys.

Boathouses are defined in the SMP as *structures with roof, sides or end walls, built on shore or off shore for storage of water craft or float planes*. Boathouses are not defined in the SMP Guidelines; therefore, there are no consistency issues.

The following policies are required by the State but are missing from the SMP:

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

The SMP currently requires residential developments of five or more lots to provide community-use piers, docks and floats. A provision that encourages residential lots of two or more to install a joint-use pier or dock would be more consistent with State requirements.

The SMP does not include any standards establishing maximum widths and lengths for single family residential docks and piers. Without such standards or other provisions that clearly mitigate effects of docks on ecological functions it may be difficult to secure Ecology approval for the SMP. At a minimum, consider following options for mitigating impacts:

- Limit the number of docks, piers, moorage buoys and boathouses allowed per water-dependent use or single-family residence.
- Require that moorage be designed to avoid the need for maintenance dredging.
- Require dock surfaces to allow maximum light penetration in nearshore areas.
- Require piers to use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety.
- Require pile spacing to be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms.
- Require boat houses to have no walls other than an open structural framework to support a roof. Establish a maximum square footage and height above ordinary high-water mark. Require roofs to be made of translucent materials or to include skylights

The following standards are required by the State but are missing from the SMP:

- Commercial docks shall be permitted only for water-dependent uses, and only if the applicant demonstrates that existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for the proposed water-dependent use.
- Piers and docks shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions of a pier or dock, decking and other components that may come in contact with water shall be approved by applicable State agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff.
- Storage of fuel, oils, and other toxic materials is prohibited on docks and piers except portable containers when provided with secondary containment.
- Water supply, sewage disposal and disposal of non-hazardous materials associated with activities on docks and piers shall conform to applicable health standards.

Archaeological and Historical Sites (Section 5.19)

Archaeological and historical sites are defined in the SMP as *areas of significant cultural heritage. These sites are important, nonrenewable resources and many are in danger of being lost through present day changes in land use and increasing urbanization. Because of their rarity and the educational link they provide to the past, these locations are worthy of being preserved.*

Archaeological and historical sites are not defined in the SMP Guidelines; therefore, there are no consistency issues. Consider moving the last two sentences of the definition to the policy section since they read more like policy statements than definitions.

Consider revising the policy in the SMP that states that *the County should consult with archaeologists and historians to identify areas containing potentially valuable archeological data and to establish procedures for preserving the data* to include coordination with affected tribes. This would ensure that the data gathered would be more comprehensive.

The policy in the SMP that states that *permits should contain provisions which require the developer to notify the Planning Director if any archaeological artifacts are uncovered* is not entirely consistent with State requirements. Consider revising to include notification of the Department of Archaeology and Historic Preservation (DAHP) and affected Tribes to ensure consistency with State requirements.

Consider revising the regulation in the SMP that states that the Planning Director must notify the Director of Washington State Parks and Recreation Commission of the discovery of evidence of possible archaeological or historical significance to include notification of DAHP and affected Tribes.

The limitation established in the SMP that a suspension of on-site operations to allow sufficient time to evaluate the site may not exceed for more than 30 days without the consent of the owner is not consistent with State requirements. Consider removing this 30-day limitation and leaving the suspension duration open.

Recreational Development (Section 5.20)

Recreation is defined in the SMP as *the refreshment of body, mind and spirit through forms of play, amusement, or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. Recreational experience may be active (boating, fishing, swimming, hunting) or passive (enjoying the scenic vista of a lake, river, or saltwater area).* This

definition is not consistent with State requirements which define recreational development as *including commercial and public facilities designed and used to provide recreational opportunities to the public*. Consider revising the definition to more closely match State requirements. Including examples of active and passive recreational experience would be helpful.

The policies and regulations are generally consistent with State requirements, but minor changes could improve consistency with the no net loss requirement. Consider differentiating between water-dependent and water-related and water-enjoyment recreational uses to ensure priority is given to water-dependent recreational uses (such as boat launches).

Consider adding specificity to the regulation regarding the establishment of a buffer zone based on the shoreline and perimeters of the development. For example, specific recreational uses that should incorporate a buffer zone could be listed (such as golf courses) and a specific width for the buffer zone could be included. This would ensure a consistent application of this regulation to all recreational developers and ensures predictability of site development.

Education and Science Research Facilities (Section 5.21)

Water-related education and science research facilities are defined in the SMP as *developments which consist of laboratories, field research stations, scientific equipment monitoring stations, experimental control areas, aquariums, interpretive centers, and education facilities*. Education and science research facilities are not defined in the SMP Guidelines; therefore, there are no consistency issues. However, the definition could be interpreted to imply that all education and research facilities are water-related, which may not be the case. Consider removing the term water-related from the definition and prohibit or limit non-water-related facilities under Regulations. Clarifying the types of facilities allowed or prohibited would ensure a consistent application of requirements.

Scientific, historical, cultural, educational and research uses are only mentioned in State requirements as being an allowed use in the Natural environment, provided no significant ecological impact on the area will result. Since there are no other State requirements, this section is generally consistent with State requirements.

Hydroelectric Development and Impoundment Structures (Section 5.22)

A hydroelectric generating facility is defined in the SMP as *an in-stream facility or device requiring the diversion, impoundment or use of water in order to produce, generate and transmit electrical power*. The SMP also defines a dam as *an in-stream impoundment structure extending across the width of a streamway and is designed and constructed to provide flood control, irrigation or water supply*. Hydroelectric generating facilities and dams are not defined in the SMP Guidelines. Consider adding the State definition for in-stream structure which is defined as *a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow*. *In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose*.

With this expanded definition in place, consider differentiating between small-scale hydroelectric facilities serving a few homes and other more substantial in-stream facilities or hydroelectric generation plants and customizing policies and regulations based on the scale and nature of these different uses.

Chapter 6 Master Program Review and Amendment Process

This chapter establishes the procedures for initiating amendments to the master program. The chapter is generally consistent with State requirements. Consider revising this chapter to reflect recent changes in amendment procedures.

Appendices

Appendices A through D establish the locations of shorelines of statewide significance, conditional use permit criteria, variance criteria, and shoreline environment designation boundaries.

The conditional use permit criteria and variance criteria are generally consistent with State requirements but require minor changes to ensure the language is identical. Consider consolidating the two sections into a new chapter in the SMP called Administrative Provisions. Consider adding regulations that address the following to ensure consistency with State requirements:

- Developments that are exempt from obtaining shoreline substantial development permits;
- Exemption letters; and
- Shoreline substantial development permit process and criteria for approval.

The locations of shorelines of statewide significance and shoreline environment designation boundaries are generally consistent with State requirements but will need to be updated to reflect any recent changes. Consider deleting the appendix that lists shorelines of statewide significance since those shorelines will be documented in the inventory and characterization report.

Glossary

The glossary defines around 100 terms used in the SMP. Several definitions are not consistent with State requirements and would need to be revised. Consider also reviewing this section for consistency with other sections of Clallam County code to streamline the definitions and ensure consistent application.