

Final Draft

CLALLAM COUNTY

Shoreline Master Program (SMP)

Proposed Update to the 1992 Clallam County SMP



***Note to Reviewers:** This is a revised draft of the proposed revisions to the County's Shoreline Master Program (Title 35 of the Clallam County Code). The County's SMP was adopted in 1976 and last updated in 1992. This draft incorporates changes suggested and recommended by the shoreline advisory committee and the public on the February 2012 Preliminary Draft. This draft incorporates information from the existing SMP and proposes new policies and regulations intended to achieve the goals of the Shoreline Management Act (RCW 90.58) and the community's vision for shoreline management. Please refer to the Vision Report, the Final Consistency Review, and the SMP Summary Comparison Matrix on the County's SMP webpage (www.clallam.net/RealEstate/html/shoreline_management) for a more complete understanding of the rationale behind the proposed SMP update. This is still a work in progress and there will likely be additional revisions to this document before a new updated SMP is adopted. Eventually, the Planning Commission and Board of County Commissioners will review the proposed SMP revisions and hold formal hearings to solicit public comment. Once the new SMP is adopted, it must be approved by the State Department of Ecology before it can take effect. Your review will help improve and enhance the final version.*

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Program Overview

The following is an overview of the Shoreline Master Program (Program or SMP) with background information on how it was developed, a brief explanation of its general format, and tips on procedures for using this document for a proposed shoreline development project.

Background Information

Clallam County is updating the 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 ([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 State 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.

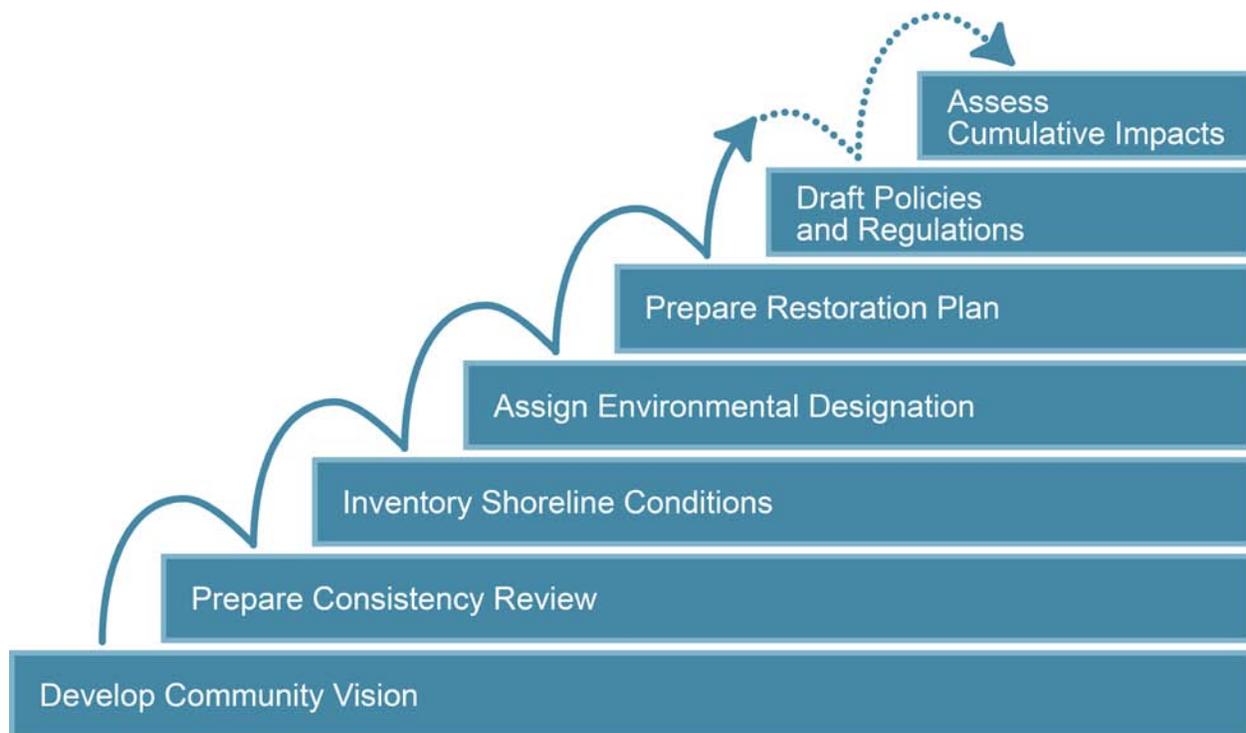
There are many steps to the SMP update process (Figure i). The County prepared a Consistency Review to identify and consider which if any of the existing SMP policies or regulations needed to change. The results are presented in the Consistency Review (July 2011), which is available on the County's website. The Consistency Review identified several areas where the SMP could be improved to be more consistent with current State requirements, to enhance clarity and readability, and/or to address likely future development scenarios.

Clallam County also conducted a series of public forums, interviews, and workshops to talk with citizens about their goals and visions for shoreline management. The results are documented in two reports: the *Vision Statement* (August 2011) for Water Resource Inventory Areas (WRIAs) 17, 18 and 19, and the *Visioning Forums and Interview Report* (June 2011) for WRIA 20, both of which are available on the County's website. These reports reflect the shared history of local residents and their ideas and goals about how to accommodate change in the future. Tribal community perspectives about shoreline use are also summarized, based on interviews with Tribal staff and elected officials. Finally, these vision reports talk about Clallam County shorelines in the future as a gauge for designing policies and regulations that will provide a future that the community wants.

Clallam County also prepared two Shoreline Characterization and Inventory Reports (ICRs), which are also available on the County's website. These ICRs describe the shoreline conditions in terms of their characteristics, functions, and values. The ICRs were compiled to meet the requirements in RCW 90.58.100(1) and WAC 173.26.201(2). The policies and regulations of this SMP are based on the results of the ICRs. The ICRs considered plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by Tribes and private individuals, and by other organizations dealing with pertinent shorelines of the state. The data sources are identified in the ICRs.

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.

Figure i. Steps to the Shoreline Master Program Update Process



The ICRs also include a Geographic Information System (GIS) database. This GIS will link the inventory information to parcels and applicable goals, policies, and regulations, and it will be updated as additional data become available. The GIS database was also used to update the Shoreline Environment Designations (SEDs) that apply to each shoreline segment. The SEDs provide a system for managing shorelines with similar ecological characteristics and land use patterns in a similar manner.

The County is also preparing other background studies to support the SMP update, including a restoration plan, a cumulative impacts assessment, and a “no net loss” summary report. These efforts are in process and will inform future drafts of this SMP.

Program Content and Format

The Clallam County SMP includes goals, policies, and regulations for shoreline management. The goals, policies, and regulations provide direction to County planning staff and to shoreline users and developers on how to implement the state Shoreline Management Act (RCW 90.58) and its implementing rules in Washington Administrative Code (WAC) 173-26 at the local level. The SMP is intended to protect shoreline resources while allowing appropriate use and development of shoreline areas. The SMP is organized as separate chapters, which collectively will become Title 35 of the Clallam County Code (replacing the existing Title 35). Here is what each chapter of the SMP contains:

Chapter 1 contains a preamble and describes general goals of the SMP, which are largely based on the feedback collected during the community visioning process. Chapter 1 explains the types of development the Program has jurisdiction over and its relationship to other land use plans, programs, and regulations.

Chapter 2 describes the shoreline environment designations that apply to each segment of the shoreline. The designations reflect existing land use patterns, zoning, ecological conditions, the types of health and

safety hazards that are present (flooding or landslides, for example), geology, and other characteristics. The environment designations provide a framework for tailoring shoreline policies and regulations to different shoreline segments based on their characteristics. There are five different upland environment designations in Clallam County that apply to the shorelands, plus one additional designation that applies to the aquatic area (below the ordinary high water mark).

Policies and regulations that apply to specific shoreline uses and developments are listed in **Chapter 3**. The policies and regulations that apply to each shoreline development may vary depending on the shoreline environment designation assigned to that parcel. Chapter 5 explains whether or not each use/development is allowed in each shoreline environment designation and which type of permit is required. A single development proposal may involve multiple uses and therefore may be subject to more than one set of policies and regulations. An example is a residential use that also involves construction of a private dock. The use-specific policies and regulations in Chapter 3 are applied in addition to the general policies and regulations in Chapter 4.

Policies are aspirational statements that are meant to be general or broad in scope. Policies are typically phrased using the word “should.” Regulations flow from the policies and define the conditions under which shoreline development or use is allowed or not allowed. Policies give context to the regulations and aid in their interpretation. Here is an example:

Policy: *The County should take active measures to preserve unarmored shorelines and prevent the future proliferation of bulkheads and other forms of structural shoreline stabilization.*

Regulation: *Use of a bulkhead, revetment or similar shoreline armoring to protect a platted lot where no primary use or structure presently exists shall be prohibited.*

Chapter 4 contains general policies and regulations that apply to all types of use and development within shoreline jurisdiction. This chapter contains specific protections for critical areas located within shoreline jurisdiction. The shoreline-specific critical areas regulations are similar to the existing critical areas regulations in Clallam County Code 27.12, but contain significant revisions that reflect the best available science and ensure consistency with the Shoreline Management Act. Every shoreline development project must comply with the policies and regulations in Chapter 4.

Chapter 5 addresses the administration of the Program. This chapter contains procedures and review criteria for substantial development permits, conditional use permits, and shoreline variances. Policies and regulations for “grandfathered” uses and development are described in Chapter 5.

Shorelines designated as “shorelines of statewide significance” (SSWS) by the Shoreline Management Act (RCW 90.58) are listed in **Chapter 6**, along with policies for their use. Shorelines of statewide significance are major resources from which all people of the state derive benefit. These areas must be managed to ensure optimum implementation of the Act’s objectives.

Chapter 7 provides definitions for important terms used throughout the document.

How to Use this Document

If you intend to develop or use lands adjacent to a shoreline of the state, consult first with the Clallam County Department of Community Development (DCD) to determine if you need a shoreline permit; they will also tell you about other necessary government approvals that may be required. Most development projects require review by multiple County departments and many also require approval from state and/or federal agencies. Ultimately, it is your responsibility to obtain all of the required permits and comply with applicable laws.

To find out if your proposal is permitted by the Program, first determine which shoreline environment designation applies to your site (consult the Shoreline Map). Then check to see if the environment designation policies and regulations in Chapter 2 allow the proposed use (refer to the use tables, Table 2-1 and 2-2). Your proposal may be permitted, allowed only as a conditional use, or prohibited. It may also require a variance if you cannot meet the dimensional requirements such as buffers (Table 2-3), height, etc.

Although your proposal may be permitted by the Program, or even exempt from specific permit requirements, you must comply with all relevant policies and regulations of the entire Program. Review Chapter 3 to learn about policies and regulations specific to your proposed use. Review Chapter 4 to learn about buffers and setbacks, clearing and grading, vegetation conservation, and other requirements that may apply to your project. The County may require you to complete special studies or analyses prior to implementing your project. If your proposal is found to have unavoidable adverse impacts on shoreline function or processes, based on the terms of this Program, you may be required to provide mitigation for the impacts so that the net impact of your proposal is neutral.

For development and uses allowed under this Program, the County must find that the proposal is generally consistent with the applicable policies and regulations. When your proposal requires an approval or statement of exemption, submit the proper application to the DCD Permit Center. Processing of your application will vary depending on its size, value, and features. Contact the Clallam County Department of Community Development for additional information.

Table of Contents

Chapter 1	Introduction.....	1-1
1.1	Preamble – 2012 SMP Update	1-1
1.2	Shoreline Master Program Goals	1-11
1.3	Applicability	1-12
1.4	Exceptions to Applicability.....	1-12
1.5	Jurisdictional Limits.....	1-12
1.6	Classification of Shoreline Uses and Developments	1-13
1.7	Authority	1-14
1.8	Relationship to Other Plans and Regulations.....	1-15
1.9	Limitations and Disclaimer.....	1-15
1.10	Severability	1-15
Chapter 2	Shoreline Environment Designations.....	2-1
2.1	Basis of the Designations.....	2-1
2.2	Shoreline Environment Designation Map.....	2-1
2.3	Aquatic Designation (A).....	2-2
2.4	Natural Designation (N).....	2-4
2.5	Resource Conservancy Designation (ReC).....	2-5
2.6	Shoreline Residential – Conservancy Designation (SRC).....	2-6
2.7	Shoreline Residential – Intensive Designation (SRI).....	2-7
2.8	Marine Waterfront Designation (MWf).....	2-8
2.9	Allowed Uses and Buffer Standards in Each Shoreline Environment Designation.....	2-11
Chapter 3	Policies and Regulations for Specific Shoreline Uses, Developments and Modifications.....	3-1
3.1	Agriculture.....	3-1
3.1.1	Applicability	3-1
3.1.2	Policies.....	3-1
3.1.3	Regulations	3-1
3.2	Aquaculture.....	3-2
3.2.1	Applicability	3-2
3.2.2	Policies.....	3-2
3.2.3	Regulations	3-3
3.3	Commercial and Industrial Development	3-9
3.3.1	Applicability	3-9
3.3.2	Policies.....	3-9
3.3.3	Regulations	3-9
3.4	Forest Practices	3-11
3.4.1	Applicability	3-11
3.4.2	Policies.....	3-11
3.4.3	Regulations	3-12

3.5	Mining.....	3-13
3.5.1	Applicability	3-13
3.5.2	Policies.....	3-13
3.5.3	Regulations - Mining	3-13
3.5.4	Regulations - Mining on Marine and Lake Shorelines	3-14
3.5.5	Regulations - Mining on River and Stream Shorelines.....	3-14
3.6	Parking	3-15
3.6.1	Applicability	3-15
3.6.2	Policies.....	3-15
3.6.3	Regulations	3-16
3.7	Recreation	3-17
3.7.1	Applicability	3-17
3.7.2	Policies.....	3-17
3.7.3	Regulations	3-18
3.8	Residential Development	3-19
3.8.1	Applicability	3-19
3.8.2	Policies.....	3-19
3.8.3	Regulations – General.....	3-20
3.8.4	Regulations – Land Divisions.....	3-21
3.8.5	Regulations – Accessory Uses.....	3-23
3.9	Restoration.....	3-23
3.9.1	Applicability	3-23
3.9.2	Policies.....	3-23
3.9.3	Regulations.....	3-23
3.10	Signs.....	3-24
3.10.1	Applicability	3-24
3.10.2	Policies.....	3-25
3.10.3	Regulations	3-25
3.11	Transportation	3-26
3.11.1	Applicability	3-26
3.11.2	Policies.....	3-26
3.11.3	Regulations – Design and Operation	3-26
3.12	Utilities.....	3-29
3.12.1	Applicability	3-29
3.12.2	Policies.....	3-29
3.12.3	Policies – Dams and Hydroelectric Generating Facilities.....	3-30
3.12.4	Regulations – General.....	3-31
3.12.5	Regulations – Dams and Hydroelectric Generating Facilities	3-33
3.12.6	Regulations – Electrical Energy and Communication Systems	3-34
3.12.7	Regulations – Essential Public Facilities	3-34
3.12.8	Regulations – Off-shore Wind Energy Systems	3-34

3.12.9	Regulations – Oil, Gas, and Natural Gas Transmission.....	3-35
3.12.10	Regulations – Sewage Systems.....	3-36
3.12.11	Regulations – Solid Waste Facilities.....	3-36
3.12.12	Regulations – Stormwater Facilities	3-36
3.12.13	Regulations – Water Systems	3-37
3.13	Beach Access Structures	3-37
3.13.1	Applicability	3-37
3.13.2	Policies.....	3-37
3.13.3	Regulations	3-38
3.14	Boating Facilities and Moorage	3-39
3.14.1	Applicability	3-39
3.14.2	Policies.....	3-39
3.14.3	Regulations – Marinas	3-40
3.14.4	Regulations – Boat Launches.....	3-42
3.14.5	Regulations – Piers, Docks, and Floats, Non-residential.....	3-43
3.14.6	Regulations – Piers, Docks, Floats, and Lifts, Accessory to Residential Development and Private Recreational Use.....	3-44
3.14.7	Regulations – Mooring Buoys	3-46
3.15	Dredging and Dredge Material Disposal	3-47
3.15.1	Applicability	3-47
3.15.2	Policies.....	3-47
3.15.3	Regulations – Dredging	3-47
3.15.4	Regulations – Dredge Material Disposal	3-48
3.16	Floodplain Management and Flood Control Structures	3-49
3.16.1	Applicability	3-49
3.16.2	Policies.....	3-49
3.16.3	Regulations	3-50
3.17	In-stream and In-water Structures.....	3-52
3.17.1	Applicability	3-52
3.17.2	Policies.....	3-53
3.17.3	Regulations	3-53
3.18	Shoreline Stabilization.....	3-55
3.18.1	Applicability	3-55
3.18.2	Policies.....	3-55
3.18.3	Regulations – Existing Structural Shoreline Armoring.....	3-56
3.18.4	Regulations – Subdivisions and Existing Lots without Structures	3-57
3.18.5	Regulations – New or Expanded Shoreline Stabilization	3-57
3.18.6	Regulations – Design Standards for New or Expanded Shoreline Stabilization.....	3-58
3.18.7	Regulations – Bulkheads.....	3-59
3.18.8	Regulations – Revetments.....	3-59
3.18.9	Regulations – Breakwaters, Jetties, and Seawalls.....	3-59

3.18.10	Regulations – Application Requirements.....	3-60
Chapter 4	General Policies and Regulations	4-1
4.1	Archaeological, Historical, and Cultural Resources	4-1
4.1.1	Applicability	4-1
4.1.2	Policies	4-1
4.1.3	Regulations	4-1
4.2	Buffers and Vegetation Conservation	4-3
4.2.1	Applicability	4-3
4.2.2	Policies	4-3
4.2.3	Regulations – Shoreline Buffers	4-4
4.3	Critical Areas	4-17
4.3.1	Applicability	4-17
4.3.2	Policies	4-17
4.3.3	Regulations – General Regulations for all Critical Areas.....	4-18
4.3.4	Regulations – Wetland Designation, Delineation, Mapping, and Classification	4-20
4.3.5	Regulations – Wetland Buffers	4-22
4.3.6	Regulations – Wetland Protection Standards.....	4-23
4.3.7	Regulations – Aquatic Habitat Conservation Area Designation and Mapping.....	4-25
4.3.8	Regulations – Aquatic Habitat Conservation Area Buffers	4-25
4.3.9	Regulations – Aquatic Habitat Conservation Area Protection Standards	4-27
4.3.10	Regulations – Class I and II Wildlife Habitat Conservation Areas Designation and Mapping	4-27
4.3.11	Regulations – Class I and II Wildlife Habitat Conservation Areas Protection Standards.....	4-28
4.3.12	Regulations – Geologically Hazardous Areas Designation, Classification, and Mapping	4-29
4.3.13	Regulations – Geologically Hazardous Area Buffers	4-30
4.3.14	Regulations – Geologically Hazardous Areas Protection Standards	4-31
4.3.15	Regulations – Frequently Flooded Area Designation and Mapping	4-32
4.3.16	Regulations – Frequently Flooded Area Protection Standards	4-32
4.3.17	Regulations – Critical Aquifer Recharge Areas Designation, Mapping, and Classification.....	4-34
4.3.18	Regulations – Critical Aquifer Recharge Area Protection Standards	4-34
4.4	Mitigation and No Net Loss.....	4-35
4.4.1	Applicability	4-36
4.4.2	Policies	4-36
4.4.3	Regulations – General Mitigation Requirements.....	4-37
4.4.4	Regulations – Compensatory Mitigation Plan Contents	4-40
4.4.5	Regulations – Wetland Mitigation Plans.....	4-42
4.4.6	Regulations – Aquatic and Wildlife Habitat Conservation Areas Mitigation Plans	4-43
4.4.7	Regulations – Frequently Flooded Areas Mitigation Plans	4-43
4.4.8	Regulations – Critical Aquifer Recharge Areas Mitigation Plans	4-44

4.5	Clearing, Grading and Filling	4-44
4.5.1	Applicability	4-44
4.5.2	Policies	4-44
4.5.3	Regulations	4-45
4.6	Public Access	4-46
4.6.1	Applicability	4-46
4.6.2	Policies	4-46
4.6.3	Regulations	4-47
4.7	Water Quality and Water Management	4-47
4.7.1	Applicability	4-47
4.7.2	Policies	4-47
4.7.3	Regulations	4-48
Chapter 5	Administrative Procedures	5-1
5.1	Administrative Authority and Responsibility	5-1
5.2	Abatement	5-2
5.3	Burden of Proof	5-2
5.4	Conditional Use Permit Criteria	5-2
5.5	Exemptions from Shoreline Substantial Development Permit Process	5-2
5.6	Expiration of Permits and Permit Exemptions	5-3
5.7	Extensions - Notice to Ecology	5-4
5.8	Fees	5-4
5.9	Initiation of Development	5-4
5.10	Inspections	5-4
5.11	Minimum Permit Application Requirements	5-4
5.12	Grandfathered Use/Development	5-6
5.13	Notice of Application and Permit Application Review	5-8
5.14	Notice of Decision, Reconsideration, and Appeal	5-8
5.15	Permit Application Review	5-9
5.16	Permit Conditions	5-10
5.17	Permits and Permit Exemptions - Effective Date	5-10
5.18	Permit Revisions	5-10
5.19	Pre-application Meeting	5-11
5.20	Public Hearings	5-12
5.21	Remedies	5-12
5.22	Rescission and Modification	5-12
5.23	Revisions Following Expiration of Original Permit or Permit Exemption	5-13
5.24	Satisfaction of Conditions Required Prior to Occupancy or Use	5-13
5.25	State Environmental Policy Act (SEPA) Compliance	5-13
5.26	Substantial Development Permit Criteria	5-13
5.27	Third-party Review	5-14
5.28	Transfer of Permits	5-14

5.29 Unclassified Uses.....5-14

5.30 Violations and Penalties.....5-15

5.31 Master Program Amendments5-15

Chapter 6 Shorelines of Statewide Significance 6-1

6.1 Adoption of Policy6-1

6.2 Designation of Shorelines of Statewide Significance6-1

6.3 Use Preference6-1

Chapter 7 Definitions..... 7-1

LIST OF FIGURES

Figure i. Steps to the Shoreline Master Program Update Process.....ii

Figure 1-1. The SMP can help ensure that future generations will continue to enjoy fishing on the Sol Duc and other rivers (Photo: Clallam County) 1-1

Figure 1-2. Forests, like these at the confluence of the Calawah and Bogachiel rivers, provide shade, large woody debris and other valuable functions (Photo: Ecology, 2007) 1-2

Figure 1-3. Effective regulations can help ensure new developments are located and designed to maintain healthy stands of riparian vegetation and prevent and minimize adverse impacts on the shoreline environment (photo: Ecology) 1-3

Figure 1-4. Abundant kelp on Bullman Beach contributes to a healthy nearshore environment for fish and wildlife (Photo by A. MacLennan) 1-4

Figure 1-5. Sediment delivery and transport processes - bluff erosion, landslides and littoral drift help to sustain beaches and spits (Source: King County) 1-4

Figure 1-6. Left: One of the many “exceptional” feeder bluffs along the Strait of Juan de Fuca, Southeast of Dungeness River (photo: A, McLennan). Right: Small forage fish eggs on gravel beach. Forage fish are a critical part of the diet for salmon and other species in the Strait of Juan de Fuca, (photo: M. Clancy) 1-5

Figure 1-7. Bluff erosion threatening homes along Cypress Circle, west of Dungeness Spit (Source: R. Johnson) 1-6

Figure 1-8. Erosion at base of bluff contributing sand, cobble and gravel to the nearshore. Erosive forces could become more severe in the future due to climate change (Photo by A. MacLennan)..... 1-7

Figure 1-9. Evidence of recent landslide activity near Shipwreck Point (Photo by A. MacLennan) 1-7

Figure 1-10a-d. Channel migration areas are potentially hazardous areas and development within these areas should be avoided to reduce safety risk and prevent ecological impacts (From the Dungeness Flood Hazard Management Plan; sketches by Amanda Kingsley, used with permission) 1-8

Figure 1-11. Locating new developments outside of channel migration zones will help prevent situations like this which occurred during a recent Dungeness River channel migration event (Photo: Randy Johnson) 1-9

Figure 1-12. The County and partners are moving existing developments outside of channel migration zones to prevent potential human and property harm; this project along the Lower Dungeness River also allowed for riparian and floodplain restoration (Photo: Clallam County) 1-9

Figure 1-13. The natural setting at Lake Pleasant (Photo: Google Earth) 1-10

Figure 2-1. Juxtaposition of the Aquatic and upland (shoreland) designations on a typical waterfront parcel (the location of the OHWM needs to be determined in the field) 2-3

Figure 2-2. Typical Examples of Shoreline Environment Designations on lakes, rivers and marine shores in Clallam County 2-9

Figure 4-1. Buffer widths for the Natural Designation 4-11

Figure 4-2. Buffer widths for the Resource Conservancy designation 4-12

Figure 4-3. Buffer widths for the Shoreline Residential - Conservancy designation 4-13

Figure 4-4. Buffer widths for the Shoreline Residential - Intensive designation 4-14

Figure 4-5. Buffer widths for the Marine Waterfront designation 4-15

Figures 4-6 a and b. Common Line setbacks within shoreline jurisdiction 4-16

LIST OF TABLES

Table 2-1. Residential Development: Permitted Uses, Conditional Uses, and Prohibited Uses for Each Shoreline Environment Designation 2-12

Table 2-2. Non-Residential Uses: Permitted Uses, Conditional Uses, and Prohibited Uses for Each Shoreline Environment Designation 2-13

Table 2-3. Standard Shoreline Habitat and Safety Buffer Widths (in feet) by Environment Designation 2-16

Table 4-1. Wetland Buffers for Wetlands in Shoreline Jurisdiction 4-22

Table 4-2. Aquatic Habitat Conservation Area Buffers for Type F, Np, and Ns Waters 4-25

Table 4-3. Wetland Mitigation Ratios 4-42