

# **Clallam County Shoreline Master Program Update**

## **Summary of Public Forum Meetings—April 11-14, 2011**

Clallam County hosted a total of seven public forums from April 11-14, 2011 in four locations across Clallam County. The purpose of the forums was to gather public input into key issues related to the update of the Clallam County Shoreline Master Program so that public perspectives could be used in drafting upcoming documents and strategies to address important issues. Although the discussions were wide-ranging, they emphasized shoreline development along marine bluffs and low-bank shorelines, floodplain development, and public access. The forums were designed based on input from people at focus group meetings in January, where the participants indicated that they would prefer to discuss the most important issues first.

During the update process (which extends through 2012), citizens and other interested parties will have additional opportunities to participate or comment on the County's progress. A Shorelines Advisory Committee has also been formed to advise the County, consisting of local citizens, state agency and tribal representatives, and members of county watershed groups and other organizations. For more information on the public outreach process, please contact County staff at [SMP@co.clallam.wa.us](mailto:SMP@co.clallam.wa.us). Additional background information about the Clallam County Shoreline Master Program Update is located at:

[http://www.clallam.net/RealEstate/html/shoreline\\_management.htm](http://www.clallam.net/RealEstate/html/shoreline_management.htm)

### **Meeting Structure and Attendance**

A team of consultants hired by the County facilitated discussions in each of the forums, with assistance from County staff. Both afternoon and evening sessions were held in all locations with the exception of Port Angeles, where only an evening session was held.

April 11: Port Angeles Senior Center  
April 12: Sekiu Community Center  
April 13: Joyce, Crescent Community Grange  
April 14: Sequim, John Wayne Marina

Forums were advertised by newspaper articles, website postings, radio and newspaper announcements, email and direct mail.

A total of over 160 private citizens attended the focus groups. These citizens represented a range of locations, backgrounds, and perspectives. For example, many were life-long residents or had lived in Clallam County for several decades, while others were relatively new to the area, having lived here fewer than five years.

The public forums generally followed a standard agenda. Following welcome and introductions by Clallam County Department of Community Development staff, the consultants provided a presentation about the Shoreline Master Program and an overview of the key issues for discussion. Examples of bluff erosion, riverfront erosion, and public access issues in Clallam County and elsewhere in Puget Sound were shown to the audience. (The powerpoint presentation is provided on the SMP Update

website noted above.) Participants then broke into two to three groups to discuss issues of particular interest for their region, such as marine bluffs, floodplains, lakes, and marinas.

Participants were asked a series of discussion questions relevant to their part of Clallam County, such as the following:

- What should the County do to protect homes built in hazardous areas, such as marine bluffs, channel migration zones or floodplains? What if their property is eroding and property owners want to stop it?
- What is the County's responsibility to property owners whose homes are threatened by erosion or flooding?
- Under what circumstances should new homes or other developments be allowed in or near shoreline hazardous areas? Should existing undeveloped lots along shorelines and rivers be allowed to develop in the same manner as the neighboring lots? What standards should we use to protect property and prevent damage to sensitive ecological resources? Should special studies be required? Who should conduct them? Who should pay for them?
- Is more public access needed in Clallam County? Where? Who will manage it and pay for it? Are there problems with current public access?

## Key Themes from the Public Discussion

There were many shoreline property owners and residents in attendance from marine shorelines, lakeside and riverfront properties throughout the County, as well as shoreline users and businesses. The following summary attempts to capture the range of viewpoints that were expressed rather than providing detailed individual comments, and is organized into a few key themes that came up repeatedly in the discussion forums.

### A. Risk and Responsibility

Conversations about shorelines development and river floodplains frequently linked potential regulations or actions in terms of risk and responsibility. Who bears the risk for developing in hazardous areas? The landowner's own safety, neighbors' property, beaches further away, public water bodies, and fish and wildlife resources were all discussed as being at greater or lesser risk from development actions taken by a given landowner. Many people remarked that the extent of risk depends on the physical geology and drainage of the site, vegetation management by the property owner, ongoing ecological processes, and the proximity of the site to other buildings, species and habitats. It was also pointed out that the actions of a single landowner may have small risks, but cumulative actions can create a larger impact. As part of these discussions, many questions were raised and perspectives provided about the responsibilities of landowners and the County for assessment, cost, and risk management—who assesses and evaluates the risk, who monitors changes to shorelines, and who pays for the costs of pre and post development assessment and enforcement?

The summary below is divided into perspectives on existing development and new development. Many people differentiated their views by whether a home is currently present versus a vacant lot that a property owner wants to develop.

#### Existing Development

In response to the question: *What should we do about existing development in hazardous locations*, there was a range of responses from “Let ‘buyer beware, it’s their responsibility” to using public

funds to buy people out in limited circumstances. The responses often related to the level of risk for the property owner, neighbors and the environment. A common concern expressed at the forums was about the potential impact to neighbors, since actions by one person along a bluff can greatly accelerate erosion for adjacent landowners. Many participants stated that impacts may extend considerable distances and in some cases impacts may not be felt for a long time period. It was suggested that County and State agencies help gather and maintain information about changes in high-risk areas, such as erosion along bluffs. (This led to related discussions about costs for County and State staff.) Several participants suggested that the County/State offer assistance to people with existing homes that are in imminent danger due to erosion or other hazards. Some suggested more regulatory permitting flexibility for property owners wanting to voluntarily relocate their homes away from the hazard. Others supported financial incentives to set back their houses. However, a number of participants indicated that they, “do not want to see a taxpayer dime spent” for such activities, with the possible exception of clean-up if the bluffs collapse.

Many people expressed the idea that, “People should be allowed to protect their property.” This statement was frequently followed by, “but not if it increases the risk to neighbors.” Shoreline protection activities such as river bank armoring and bulkheads along the marine shorelines were discussed in all forum sessions. Some participants agreed that protection measures are OK, but not at the expense of ecological functions, water quality, or loss of habitat. Dungeness Bay was cited as an example where river and marine shoreline erosion and armoring may have increased the silt input to the bay, causing it to fill in over several years, reducing water quality, and increasing “dead zones” in the bay. The process has changed the shoreline in front of many houses. Suggestions for better shoreline protection included the use of “soft” armoring techniques, and getting neighborhoods to develop a collective response rather than using individual efforts. A landowner in the Three Crabs Road area of eastern Clallam County pointed out that, “Once one person starts fooling around with the beach, then the whole beach starts to go and everyone has to do something.” Riverfront property owners echoed similar concerns. It was acknowledged that it would be difficult to get agreement in a neighborhood about what should be done, or who should pay for it. There was interest in how the County could facilitate neighbors working together.

Rivers and shorelines change naturally, but many people at the forums also stated that human actions can change flooding and erosion to riverfront/marine shoreline property owners. Several people expressed an opinion that flexibility and/or assistance should be given to property owners if their property is impacted by the actions of governmental, rather than private, entities. Several examples of governmental actions affecting shorelines were cited around the County, such as:

- Actions by WSDOT to protect the bridge and highway with rip rap may have accelerated erosion to downstream property owners;
- The removal of the Elwha dams may affect property owners on the bluffs;
- Previous and proposed salmon habitat restoration projects may affect downstream residents of the floodplain (engineered log jams, levee setbacks, channel reconstruction given as examples);
- Gravel removal by WDFW associated with hatchery facilities; and
- Logging of public timberlands.

Some participants felt that Clallam County has a responsibility to assist landowners with relocation or shoreline protection if the County issued a permit for the development, with the idea that a permit is a sign-off by the County on the risk to the landowner. Other participants stated that some people push for permits in the wrong places and “pay for the studies they want” and thus do not deserve special consideration when shoreline development proves to be hazardous.

A group of residents from Clallam Bay/Sekiu expressed support for action to maintain the marinas and vessel access. The marinas are impacted by increased siltation, which is believed to be “filling in” the bay. Marina owners and businesses expressed support for governmental intervention including dredging the bay to ensure that vessels and emergency personnel can access the community from the water. Some noted that causes of the siltation at the mouth of the Clallam River and the Bay are extremely complex—relating to breakwaters, rip rap, and upstream activities--but the results have been obvious as the bay fills in.

Many of the discussions on existing development pertained to renovation or upgrading of buildings, docks and bulkheads. This topic is of keen interest to the residents of Lake Sutherland. Residents would like clear guidelines about replacement and remodel thresholds, opportunities for natural vegetation management, and strategies for cleaning up water quality associated with old and leaking septic systems. Individual and group stewardship, and enforcement were suggested as appropriate strategies to keep existing development from creating additional problems in terms of habitat loss and water quality degradation.

#### New Development

A second question posed to the discussion groups was: *How should new development along the shoreline be managed?* Again there was a great deal of discussion about the potential risk to neighbors and ecological processes. One participant indicated that, “The County must prevent them from doing anything that screws up the river. We have to recognize that this is going to make some people unhappy.” Others said people should be able to do what they want with their property provided it doesn’t harm others. Many participants called for flexible regulations that could evaluate prospective development on a case-by-case basis. Some participants objected that this would require more taxpayer investment and additional staff for such evaluations. Some participants noted they do not like seeing taxpayer money used to “bail out” landowners who have built in high risk areas, but they also do not like seeing the entire cost of assessing a building site “dumped on” landowners and feel that the assessment requirements may be out of line with the scale of development in many cases. There was debate about whether geo-tech assessments or drainage plans should be paid for by landowners, and concern about “\$40,000 permit processes.” There were statements that landowners should bear the entire assessment costs, but some people also do not entirely trust the results when they are privately funded. Several individuals suggested that the neighbors be allowed to decide if the risk has been assessed adequately.

Some people suggested that assessments, site plans, or neighborhood plans look at longer timeframes to determine potential impacts--a planning horizon that lasts for the average life span of a house in the range of 75 to 100 years was discussed. Setback requirements were also discussed with some participants advocating for flexible setbacks, and others stating that 50 feet is not adequate. Some bluff residents stated that an angle of repose from potential erosion should be the development standard for bluffs, regardless of whether houses have already been built closer to the edge, while others felt that this was unnecessary in developed areas as long as regulations related to drainage and vegetation removal are enforced.

Riverfront residents expressed concerns on new requirements related to flood insurance and how the County will address them. An example was given from Sandpoint, Idaho where regulations were reduced and insurance rates went up due to the higher level of risk.

It was suggested that high hazard zones be identified for more monitoring and evaluation over time, thus creating a data base that landowners could access. Many participants indicated that permit requirements for new development should be tied to the level of risk—if you want to develop land in a high risk area, you need to do a lot more assessment and design. Some participants stated that individual small parcels should be treated with more flexibility than large private landholdings where there are likely more options to minimize potential impact. A few participants stated that there should be no additional subdivision of parcels along rivers or shorelines at all because of the risks; others indicated that people who haven't yet developed their property should not be denied opportunity to do so.

## **B. Enforcement**

There was substantial support for enforcement of regulations, especially for vegetation management. Many people expressed the need for clarity of regulations and consistency of the enforcement effort. Regulations should be simple enough to enforce. People do not like to see others get away with illegal activities, and do not think that it is fair that the people who went through the permit process, “got all the hassle while others get away with a slap on the wrist after the fact.” Participants in the central-west portion of the County expressed concern about damages from timber harvest to downstream and down shore landowners, and stated that land clearing enforcement should pertain to logging as well as residential development. There were comments that land clearing controls appear to be necessary, but should be tailored to the sensitivity of the site, degree of risk, and proper preparation and following of site management plans. There was some support for development of guidelines on pesticide use.

## **C. Education and Stewardship**

There appeared to be fairly universal support for more landowner education in both the pre-purchase and post purchase stage. Many people suggested a more proactive approach by the County to provide information to landowners living in known high risk areas. These suggestions ranged from more disclosure requirements for builders and real estate agents, notices to title, or requirements that landowners undergo stewardship training for getting permits or when property changes hands. Several people expressed the need for “people to make an informed choice” and supported more accessible and user-friendly data bases.

## **D. Regulatory Flexibility, Clarity, Information Management, and Cost**

Participants had a wide range of opinions on the extent to which the Shoreline Master Program should rely on regulations to manage risks associated with development. There were many comments in favor of streamlining the permit process, especially for maintenance and repair of existing structures or areas. One individual stated that the SMP should be constructed to say, “if, rather than flat out you can't.” Some participants supported streamlined permits if the property owners followed a set of common standards and filed operation and maintenance plans.

Some people advocated for guidelines, rather than ordinances, and stated that they would prefer a “best practices” approach instead of hard and fast rules. Property owners would like opportunities to propose stewardship strategies specific to their property. Many people supported more flexibility and a case-by-case review for new substantial development, but acknowledged that the County has a small staff, increasingly limited funds (availability of staff is less now than it was 10 years ago) and a high public demand for services. Thus flexible regulations mandating site reviews, monitoring, or

neighborhood-wide assessments in high-risk areas will create an additional burden to taxpayers (with no visible solution for revenue). Additionally, some people at the forums acknowledged that flexible standards would make the SMP less predictable and applicants for permits would not easily know what standards might apply to them.

Many people commented that the regulations should be easier to follow, but have enough specificity that they are not subject to a lot of interpretation by landowners or County staff. There were several comments such as, “Don’t use fuzzy words, like ‘reasonable.’”

In most of the discussions, residents indicated that County information should be more accessible and needs to be upgraded. “The County should go to great lengths to warn prospective buyers of the risk.” Flood hazard maps in the western areas of the county were listed as an example where information should be upgraded. Property owners pointed out that the County has many studies pertinent to specific areas of the County, but these are not easily accessible to new or existing residents. For example, the Dungeness River has had special studies of flood hazard and channel migration by the Bureau of Reclamation and the Jamestown S’Klallam Tribe. Air photos showing changes over time should be accessible where they are available. These should be incorporated into County records both for new development and for stewardship programs on an ongoing basis.

Many participants would like to see better integration of the SMP and other regulations. The many layers of county and state ordinances are confusing and hard to deal with.

## **E. Public Access**

Participants were asked about shoreline public access: *Where is it a problem, where is it needed?* Examples of public access concerns were highlighted throughout the county, with the need for adequate signage, parking, and maintenance expressed frequently. There were several comments that public access be provided via public property, so that people do not attempt to go across private property to access public shorelines. Many participants commented that Clallam County already has a lot of public land in Federal and State landholdings. However there were also comments expressing dissatisfaction with the lack of public beaches in many areas of the county.

Freshwater Bay and the mouth of the Elwha were discussed as an important area of public access for surfers, kayakers, boaters, fishermen and others. There is no public parking and users park in residential areas. Signage is needed for parking and access on the west side of the new Elwha bridge.

Control of public access was a concern, as better signage could create more use and more problems. Murdoch Beach was provided as an example of a public beach that has low use because of poor signage and poor quality roads—participants stated that it may be best to keep the information level low unless there are more facilities to handle a higher level of usage. Vandalism has been a substantial problem for private landowners who have allowed public access, like the timber companies.

## **Conclusions and Next Steps**

Clallam County residents have a long history of experience living along marine shorelines and rivers. Long-term residents have seen historical changes along shorelines from a wide array of natural events and human actions. Newer residents may not have had an opportunity to view the

scale of change that can occur in a single storm or flood event, and stated that historical information about shorelines needs to be provided in a way that helps existing and prospective landowners use their property and make informed choices.

Many of the participants at the workshops commented that landowners should be able to protect their property, but there were many perspectives about how this should be done and the risk that it presents to the landowner, neighbors, and the environment. Many people also commented that shorelines change constantly, and that property owners will need to recognize and accept the risks regardless of their cause. They commented that changes can be natural or human caused, and that human caused changes can be caused by residential or commercial development, timber harvest, legal or illegal activities of upstream or adjacent landowners, or other actions. Although risk and responsibility have legal implications that can be debated by lawyers, these varying perspectives from people will be helpful in crafting solutions that fit within the authority and resources available to the County and private landowners.

The County staff and the consultant team will forward the perspectives presented at the public forums to the Planning Commission and Board of County Commissioners. Other steps in the Shoreline Master Program update will be the completion of a Vision Document and an Inventory and Characterization report describing the physical and biological conditions of the shorelines and the location, types, and intensity of land use. The results of the public forums will be considered with the detailed shoreline characterization as the County moves forward in drafting strategies, policies and revising regulations. Draft strategies will be presented in late 2011 for review and comment by the public prior to the review by the Planning Commission and decision-making by the Board of County Commissioners.