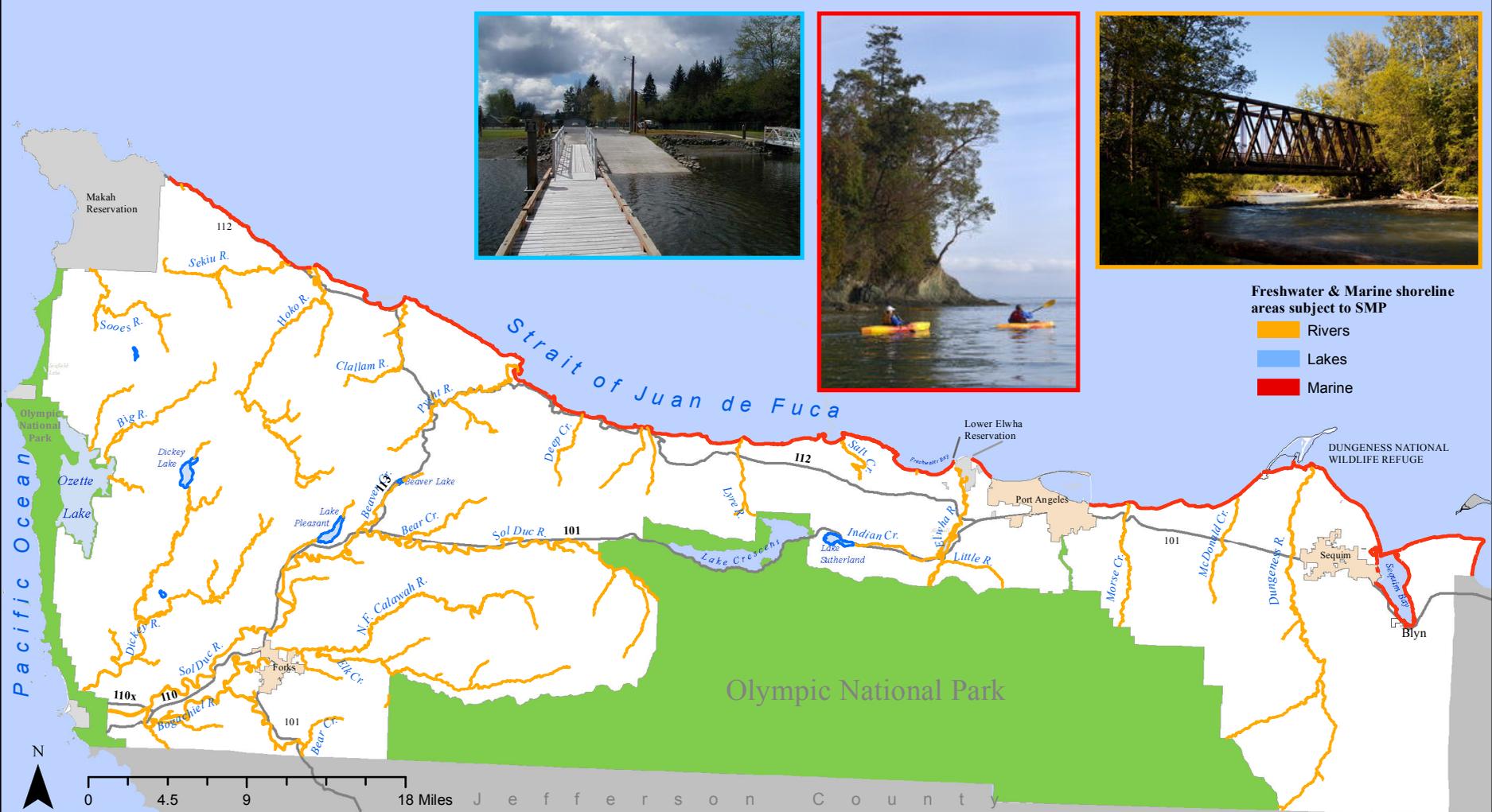


Clallam County Shoreline Areas Subject to the Shoreline Master Program (SMP) Update



To receive information regarding the SMP Update, Contact DCD via:
email: SMP@co.clallam.wa.us or call: (360) 417-2563.



Clallam County, Washington

223 East Fourth Street, Port Angeles, WA 98362. Hours: 8:30-4:30 Mon-Fri.



The SMP Update Process





CLALLAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
COUNTY COURTHOUSE
223 E. 4TH ST., SUITE 5
PORT ANGELES, WA 98362-3015
PHONE: (360) 417-2520
FAX: (360) 417-2443
EMAIL: SMP@CO.CLALLAM.WA.US

SHEILA ROARK MILLER, DIRECTOR

CLALLAM COUNTY SHORELINE MASTER PROGRAM REPORTS:

Clallam County adopted its first Shoreline Master Program in 1976 per requirements of the WA State Shoreline Management Act of 1971. The County has not undertaken a comprehensive review of the program since, and 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 in the future.

To update the SMP involves several steps and the completion of 5 interrelated documents:

1. **Consistency Review Report:** The purpose of this report is to: 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.

http://www.clallam.net/RealEstate/assets/applets/FINAL_ConsistencyReview_7-8-11_.pdf

2. **Vision Report:** This report reflects the shared history of local residents and their ideas and goals about how to accommodate change in the future. The communities and shorelines of Clallam County along the Strait of Juan de Fuca are described in three regions: the west end, central strait, and eastern Clallam County. Each of these regions has unique communities and ecological features that may be considered in the update of the Shoreline Master Program.

Pacific-related Shorelines:

http://www.clallam.net/RealEstate/assets/applets/FINAL_WRIA_20_FORUM_AND_SURVEYS_Report.pdf

Straits-related Shorelines: http://www.clallam.net/RealEstate/assets/applets/Vision_WRIA17_19_8-2-11_FINAL.pdf

3. **Shoreline Inventory and Characterization Report:** One of the first steps in the SMP update process is to inventory and characterize shoreline conditions. This involves assessing the lakes, rivers and marine waters that are classified as “shorelines of the state” and their adjoining “shorelands” and characterizing the broader landscape surrounding these lands and waters. The Inventory and Characterization Report (ICR) must be based on the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern.

Pacific-related Shorelines: http://www.clallam.net/RealEstate/assets/applets/REVISED_WRIA20DraftICR_060911.pdf

Straits-related Shorelines: <http://www.clallam.net/RealEstate/html/esa-icr-draft6-11.htm>

4. **Restoration Plan:** The purpose of the Shoreline Restoration Plan is to identify where and how shoreline ecological functions need to and can be restored as the Clallam County SMP is implemented in the future. The Restoration Plan must also fulfill the requirements of the Shoreline Management Guidelines.

Pacific-related Shorelines:

<http://www.clallam.net/RealEstate/assets/applets/FINALWRIA20DraftRestorationPlan053011.pdf>

Straits-related Shoreline: Pending

5. **Shoreline Master Plan:** A revised Shoreline Master Plan containing a new set of goals, policies, and regulations for shoreline management in Clallam County, working draft:

http://www.clallam.net/RealEstate/html/draft_smp.htm



Clallam County Department of Community Development (DCD) Shoreline Master Program (SMP) Update

List of Website Links:

The links listed below offer additional information about the Shoreline Master Program, Clallam County's update effort, and the update efforts of jurisdictions located within Clallam County

Clallam County webpage:

http://www.clallam.net/RealEstate/html/shoreline_management.htm

Washington Department of Ecology webpage: Shoreline Master Program

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/index.html>

Washington Department of Ecology webpage:

SMP Frequently Asked Questions

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/faqs.html>

City of Port Angeles SMP:

<http://www.cityofpa.us/shoreline.htm>

City of Port Angeles DCD:

<http://www.cityofpa.us/commdevelop.htm#SmP>

City of Sequim SMP:

<http://www.sequimwa.gov/index.aspx?NID=371>

City of Sequim DCD:

<http://www.sequimwa.gov/index.aspx?nid=109>

City of Forks General:

<http://www.forkswashington.org/>

City of Forks Shoreline Buffers Proposed:

<http://www.onrc.washington.edu/MarinePrograms/ProposedBuffersportal.html>



Clallam County, Washington

223 East Fourth Street, Port Angeles, WA 98362. Hours: 8:30-4:30 Mon-Fri.

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Clallam County Shoreline Master Program (SMP) Update



Dungeness Spit



Sekiu



Elwha River



Bogachiel River

Clallam County is updating its Shoreline Master Program (SMP), which regulates land use and development within 200 feet from rivers, lakes, streams, and marine shores. Shorelines in Clallam County are protected by the Washington State Shoreline Management Act (SMA) and by the Clallam County SMP (see links below). This website provides SMP Update information and links to local and state shoreline-related materials.

Shoreline Permits are issued by the Clallam County Department of Community Development Planning Division. [For information regarding shoreline permits or shoreline exemptions, please call 360-565-2616.](#)

[For](#)

NEW: The *preliminary working draft* of the Clallam County Shoreline Master Program (SMP) Update and the latest drafts of the Shoreline Environmental Designation Maps are now available on-line.

Please click the red link below to view the SMP document/maps and introduction document:

- [Clallam County SMP Preliminary Working Draft Document & Shoreline Environmental Designation Maps](#)
- [Introduction to the Preliminary Draft Clallam County SMP](#)

SMP Update Documents, Timelines, Maps, & Related Links:

SMP Documents for WRIA's 17-19 (Straits of Juan de Fuca):

[FINAL WRIA 17-19 Shoreline Inventory & Characterization Report \(ICR\)](#)

[FINAL WRIA 17-19 Clallam County SMP Update Vision Report](#)

[NEW SMP Summary Comparison Matrix](#)

[SMP Documents for WRIA 20 \(Pacific Coast\)](#)

Links to documents listed below:

- Final Draft WRIA 20 Inventory and Characterization Report (ICR)
- Final Draft WRIA 20 Preliminary SMP Elements Report
- Final Draft WRIA 20 Visioning Forum & Interviews Report
- Draft WRIA 20 Restoration Report
- City of Forks and Forks UGA On-line & Interactive Map Cabinet

Additional SMP Documents:

- [FINAL Clallam County SMP Update Consistency Review](#)
- [Both WRIA 17-19 & WRIA 20 Inventory and Characterization Reports/Maps](#)
- [Clallam County Shoreline Master Program \(rev 1992\)](#)
- [Clallam County Shoreline Master Program \(1976\)](#)
- [Shoreline Map 1976](#)
- [Consistency Review Cover Memo](#)
- [Comments Combined Document for Consistency Review](#)
- [Comments Portfolio for Consistency Review](#)

Forums/Public Meeting Presentations & Summaries:

- [NEW SMP Forum #1 Presentation \(Sekiu\)](#)
- [NEW SMP Forum #2 Presentation \(Sequim\)](#)
- [NEW SMP Forum #3 Presentation \(Port Angeles\)](#)
- [NEW SMP Public Forum Questionnaire Tallied](#)
- [NEW SMP Public Forum Blank Questionnaire \(April 2012\)](#)
- [July SMP Public Forum Summary \(July 2011\)](#)
- [July SMP Public Forum Presentation \(July 2011\)](#)
- [April SMP Public Forum Summary \(April 2011\)](#)
- [April SMP Public Forum Presentation \(April 2011\)](#)
- [SMP Focus Groups Summary \(January 2011\)](#)
- [Clallam County SMP Presentations and Public Outreach Link](#)

Maps:

- [NEW! Clallam County DRAFT Shoreline Environmental Designation Maps](#)
- [Clallam County West \(WRIA 20\) - Forks Area Map Cabinet](#)
- [MAPS & GIS Data](#)

Press Releases/Posters:

- [NEW! SMP Public Forum Flyer \(April/May 2012\)](#)
- [NEW! SMP Public Forum Press Release \(April/May 2012\)](#)
- [WRIA 20 SMP Public Forum Informational Poster June 9, 2011](#)
- [WRIA 20 SMP Public Forum Press Release](#)
- [SMP Draft Consistency Report Comment Period Press Release](#)
- [SMP Public Forum Press Release \(April 2011\)](#)

For SMP Update Information or Contact List:

To receive information regarding the SMP Update, email: SMP@co.clallam.wa.us or call: (360) 417-2563.

Upcoming SMP Presentations or Related Events:

WEDNESDAY, May 9, 2012: Shoreline Master Program (SMP) Update, Dungeness River Management Team (DRMT). Dungeness River Audubon Center @ Railroad Bridge Park, Sequim, WA, 2:00-5:00p.m.

THURSDAY, May 10, 2012: **Shoreline Master Program (SMP) PUBLIC FORUM #4**, Forks Community Center, Dining Rm., 91 Maple Ave., Forks, WA, 5:30-8:00p.m. [Forum FLYER](#)

TENTATIVE:
TUESDAY, June 5, 2012: [SMP Committee Meeting](#), Clallam County Courthouse, EOC Rm #070, Port Angeles, WA, 10:30a.m.-3:00p.m.

TENTATIVE:
WEDNESDAY, June 6, 2012: No Net Loss Work Group Meeting, Clallam County Courthouse, EOC Rm #070, Port Angeles, WA, 10:30a.m.-3:00p.m.

[Shoreline Master Program \(SMP\) Update Public Comment](#)

[Shoreline Master Program \(SMP\) Committee Link](#)

ESA Solutions Web Portal:

To view maps and draft reports is also accessible via an interactive web portal.

The ESA Solutions web portal focuses on the Strait side of the County SMP Update program. GIS layers and mapping tools are available so that you are able to view what has been mapped to date and to offer feedback. The site also provides the list of project files, a project calendar, and list of project contacts.

Access the Solutions Web Portal requires a user name and a password. Send a request via the SMP comment box below, if you would like to view these products.

<https://solutions.esassoc.com>

SMP Related Documents & Links:

- [No Net Loss Work Group](#)
- [Revised Clallam County SMP Update Timeline](#)
- [Revised Clallam County SMP Public Participation Strategy](#)
- [SMP Request for Proposals for Update and No Net Loss Workshops](#)
- [SMP - Related Links](#)
- [WA Department of Ecology Shoreline Management Home Page](#)

**Send e-mail to
Shoreline Master Program**

SMP@co.clallam.wa.us

* Your Name: * Your Email:

Subject: Shoreline Master Program

Comments:

An asterisk * indicates a required field.
This form is not for emergencies.
If you have an emergency, please phone 911.

[Clallam County Home Page](#)

Last updated 1 May 2012



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 417-2321

Fax: (360) 417-2443

Sheila Roark Miller, director

March 5, 2012

Subject: Introduction to the Preliminary Draft Clallam County Shoreline Master Program

Dear Interested Party:

Clallam County is in the process of completing a comprehensive update of its Shoreline Master Program (SMP) and would like your feedback on the preliminary draft proposal by **April 30, 2012**. This memo is intended to introduce you to the Preliminary Draft SMP, how to comment, and where to find more information on the SMP update process, and how to stay informed and involved.

In general, the SMP applies to the relatively narrow zone of land and water along the Strait of Juan de Fuca, lakes (20 acres or larger), and larger rivers and streams (mean annual flow of 20 cubic feet per second or more). The County's SMP governs all non-federal and non-tribal shorelines of the state outside of cities. The cities of Port Angeles, Sequim, and Forks are also updating their SMP's.

The Preliminary Draft SMP document is available at the Clallam County Department of Community Development located in the County Courthouse; and also at local libraries (asks for Clallam County SMP Update - Key Documents Binder). The document is also available on the Internet at:

http://www.clallam.net/RealEstate/html/shoreline_management.htm (also can be accessed from County Home Page at: **www.clallam.net**). The County's Internet site contains other information that guides the SMP update process including but not limited to, public participation plan, community visioning, shoreline inventory and characterizations, consistency evaluation of existing SMP, work of the shoreline advisory committee, public comments received, schedule of upcoming public meetings and events, etc.

Written comments can be submitted in a variety of ways:

Mail: Clallam County Department of Community Development, 223 E. 4th Street, Suite 5, Port Angeles, WA 98362.

Email: **SMP@co.clallam.wa.us**

Internet: Enter comments in public comment box found on County SMP Internet Page at: **http://www.clallam.net/RealEstate/html/shoreline_management.htm**

Fax: 360 – 417 – 2443

(Please include in the subject line Preliminary Draft SMP Update Comment)

Overview of the SMP Update

The County adopted its first SMP in the mid-1970s--shortly after the state legislature passed the Shoreline Management Act in response to a statewide citizens' initiative. The SMP contains policies and regulations that apply primarily to new uses and developments along the shores of large rivers, large lakes and the Strait of Juan de Fuca. The policies and regulations are designed to accomplish three specific goals: (1) protect the natural environment along shorelines; (2) provide public access to public waters; and (3) accommodate water-dependent uses.

Clallam County has pursued these goals for the benefit of residents and visitors alike for nearly 40 years. During this time, County residents have witnessed population increases and a broad range of socio-economic changes. There have been many notable land use and environmental changes as well, including the passage of the Growth Management Act, regional watershed planning initiatives, the start of the Elwha River ecosystem restoration, the Dungeness River instream flow rule-making process, new National Flood Insurance Program requirements, and significant public and private investments in salmon recovery. The proposed update to the SMP attempts to address current social, political, and economic circumstances and provide a framework for shoreline management that will serve the community well into the future. The basic goals of shoreline management are unchanged, but the realities of balancing environmental protection with public access and water-dependent use are more complicated than when the original SMP was adopted. That's why your feedback and participation in the update process are important.

The goal of the SMP update is to ensure protection of lake, river and marine resources and support their continued use and enjoyment. The update is also required by state law. The SMP must be consistent with the Shoreline Management Act ([RCW 90.58](#)) and its implementing rules in the Washington Administrative Code ([WAC 173-26](#)). The Washington State Department of Ecology (Ecology) promulgated the rules as instructions to local governments for preparing SMPs. The County is responsible for completing the comprehensive update, but ultimately Ecology must approve the new program before it takes effect¹.

There are many steps to the SMP update process; the *Program Overview* – included in the opening pages of the Preliminary Draft SMP describes them. Two important initial steps occurred before work on the Preliminary Draft SMP began: **1) Visioning** - the County conducted a series of public forums, interviews, and workshops to talk with citizens about their goals and visions for shoreline management; and **2) Inventory** - the County prepared two Shoreline Inventory and Characterization Reports (ICRs) that describe the shoreline conditions in terms of their characteristics, functions, and values.

These initial efforts collectively provided important ideas and information for managing Clallam County shorelines, which were used to shape policies and regulations included in the Preliminary Draft SMP. The County also formed an advisory committee composed of shoreline property owners, business representatives, government agency personnel, environmental advocates, and tribal staff to provide input on the update process. Other components of the SMP update that are underway include a shoreline restoration plan, a cumulative impacts assessment, and a “no net loss” summary report. These efforts are in process and will inform future drafts of the SMP.

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.

Preliminary Draft SMP Content

Like many legal documents, the Preliminary Draft SMP is long and fairly complex since it must address so many potential development scenarios, from relatively simple single-family residential developments to offshore energy facilities. Some of the language is very prescriptive (e.g., “*Project proponents shall submit a temporary erosion and sediment control plan for Administrator review and approval if they disturb seven thousand (7,000) square feet or more of land...*”). In other cases, rules are stated in more general terms so that their application can be tailored to individual development proposals (e.g., “*As needed, the Administrator shall condition approval of new developments to ensure ... homes and other structures are placed in areas that do not require removal of significant stands of large trees.*”). This approach—combining prescriptions with more discretionary rules, is not unlike the existing SMP. For example, the existing SMP clearly states that “*The removal of vegetation from a [shoreline] cliff is prohibited.*” The existing SMP also says “*In general, competent engineering advice is considered advisable before construction on a shoreline cliff is undertaken.*” The determination of what competent engineering advice is or whether it must be followed is open to interpretation.

In addition to addressing a broad range of proposed uses and developments, the SMP must also address a diversity of shoreline conditions in the County from steep, erosive bluffs fronting the Straits to sheltered beaches in Sequim Bay to migrating river channels like the Dungeness to developed shorelines like Lake Sutherland. The updated SMP strives to provide County planners and citizens with predictability, and where appropriate flexibility, to manage a broad spectrum of uses and activities. The Preliminary Draft SMP reflects the diverse shoreline conditions found in Clallam County and seeks to establish consistent standards that can be fairly applied based on the specific circumstances of an individual development proposal.

Shoreline Environment Designations: The diversity of shoreline conditions are reflected in a new system of shoreline environmental designations. Shoreline environment designations (SEDs) provide an overarching framework for shoreline management within the County—similar to a zoning overlay for shorelands and aquatic areas. The Preliminary Draft SMP recommends a new set of shoreline environment designations to reflect current land use patterns, ecological conditions, and the types of health and safety hazards that are present (flooding or landslides, for example). The original designation system established in the 1970s is outdated and does not reflect the variability of shoreline conditions, and is not applied uniformly across the county. The new proposed SEDs differentiate marine and freshwater shorelines and provide a more realistic framework on which to base management decisions. With the new system, for example, highly erosive feeder bluffs have a unique designation (Priority Feeder Bluff) to effectively manage hazards to human safety and protect important ecological functions (such as sediment supply to unique shoreline features, such as Dungeness Spit). On freshwater shorelines, the vast areas of the County managed as commercial forest lands were recognized by establishing the Freshwater Resource designation. All areas waterward of the ordinary high water mark would be designated Aquatic.

The flow chart attached to this memo shows how variations in existing shoreline conditions and planned uses formed the basis for the proposed shoreline environment designations. Details on the purpose of all ten proposed designations are in [SMP Chapter 3](#). See [Table 5-1](#) of the Preliminary Draft SMP for the full list of permitted, conditional and prohibited uses proposed for each designation. The draft [Official Shoreline Map](#) (on the County’s website) shows the proposed designation for each segment of the shoreline.

Updated Policies and Regulations: Policies and regulations are included within the Preliminary Draft SMP for specific types of shoreline use and development (*SMP Chapter 5*; see box below). These policies and regulations are used in concert with general polices and regulations for clearing and grading, vegetation management, public access, etc., which apply to all types of shoreline use and development (*SMP Chapter 4*). Similar standards have been in place in Clallam County since the mid 1970s, but many were out-of-date, unclear or inconsistent with state law².

Grandfathered Uses: The Preliminary Draft SMP allows exiting legal developments to continue “as is.” Relief is provided for the relatively limited instances where proposed rules render an existing development “nonconforming.” The requirements for reconstruction of nonconforming structures following damage from fire, and flood are essentially unchanged for the existing SMP and County zoning code.

Shoreline development activities regulate by the Preliminary Draft SMP						
	SMP Section	Page #		SMP Section	Page #	
Agriculture	5.2	5-1		In-stream and In-water Structures	5.10	5-24
Aquaculture	5.3	5-2		Mining	5.11	5-26
Beach Access Structures	5.4	5-7		Parking	5.12	5-28
Boating Facilities and Moorage	5.5	5-8		Recreational Development	5.13	5-29
Commercial and Industrial Development	5.6	5-15		Residential Development	5.14	5-31
Dredging and Dredge Material Disposal	5.7	5-17		Shoreline Stabilization	5.15	5-34
Forest practices	5.8	5-19		Signs	5.16	5-39
				Transportation	5.17	5-40

Key Changes in the Preliminary Draft SMP

The Preliminary Draft SMP changes the management of Clallam County shorelines in several important ways.

Development in Hazardous Areas, including Landslide and Erosion Hazard Areas and Channel Migration Hazard Areas (*Chapter 4, sections 4.2 and 4.3*): Perhaps the biggest change between the existing and proposed SMP is the emphasis on restricting development in hazardous areas such as floodplains, channel migration zones and erosion or landslide hazard areas. This is based on findings from the shoreline inventory and characterization which show, for example, the rapid pace of bluff retreat along the Strait (see Figure 2) and the disastrous effects of floods and channel migration along rivers like the Dungeness (see Figure 3). Citizens participating in public forums acknowledged that building in

² Please see the Consistency Review on the County’s website for more information about why the County c updated the regulations: http://www.clallam.net/RealEstate/assets/applets/FINAL_ConsistencyReview_7-8-11_.pdf

hazardous areas often has implications that extend beyond the individual property—affecting taxpayers, downstream or downslope properties and those who rely on healthy shoreline ecosystems for business, recreation or enjoyment.

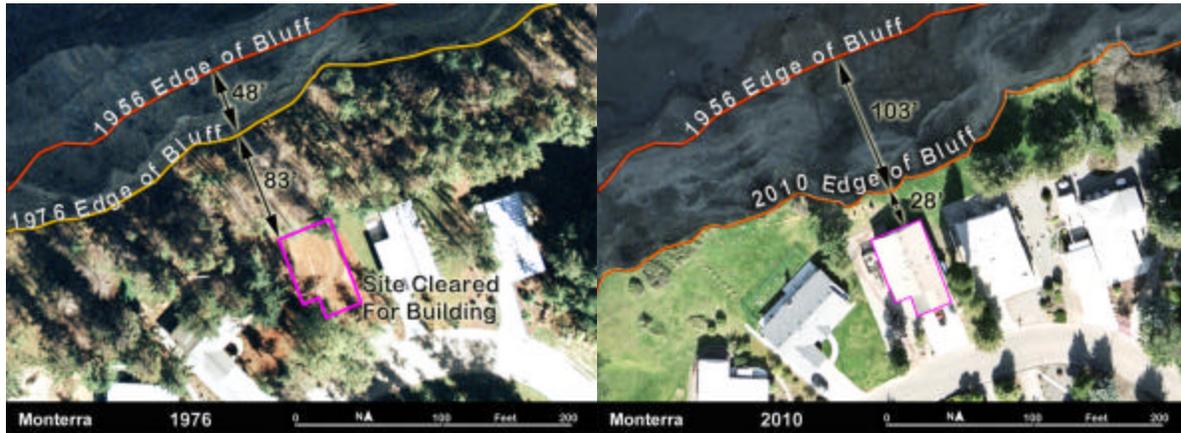


Figure 1 - Rapid bluff retreat on the Strait of Juan de Fuca – 50 feet in 20 years (left); 103 feet in 59 years (right) (Photo by R. Johnson)



Figure 2 - House consumed by channel migration (Photo by B. Rot)

In areas along the Strait of Juan de Fuca, for example, where the threats of landslides and erosion are very pronounced (for example, areas designated Feeder Bluff and High Bank / Rocky Shore), new uses and developments would be required to locate further inland of the bluff edge than is currently required. This protects the proposed developments from danger as the bluff erodes or as coastal landslides occur. The increased buffer also helps preserve important shoreline functions associated with marine bluffs.

To protect new riverfront developments from flooding and channel migration, the Preliminary Draft SMP requires that new developments locate at least 50 feet from the *outer edge of the channel migration zone* if maps indicate the potential for channel migration. These buffers can be reduced if a thorough evaluation by a qualified professional indicates there is minimal threat of channel migration. Similar to landslide hazard regulations, this proposed system is necessary to provide adequate protection for adjacent development and human use while preserving important shoreline functions associated with channel migration.

The implications of these larger proposed shoreline buffers were considered during development of the Preliminary Draft SMP and in all but a few cases in the County, existing lots are large enough that homes can be constructed outside of the buffer. At the same time, there are relatively few areas where existing homes do not conform to new shoreline buffer rules. The Preliminary Draft SMP contains specific allowances for building on small lots (*See section 4.2.5*) and for expanding existing homes (*See section 6.13*). The Preliminary Draft SMP also has allowances for a ‘common line’ setback, so that new homes in areas that are mostly developed can have a similar setback to the neighboring properties (*See section 4.2.3*).

New Standards for, Clearing, Aquaculture, Overwater Structures and Shoreline Armoring (*Chapter 4, section 4.5; Chapter 5, sections 5.3, 5.5 and 5.15*). The Preliminary Draft SMP contains new policies and regulations pertaining to structural armoring (e.g., bulkheads), clearing, overwater structures and aquaculture. These policies and regulations reflect an evolving body of scientific evidence regarding the potential effects of these uses and developments on shoreline ecosystems. The changes largely bring the updated SMP into conformance with other county, state and federal regulations.

Critical Areas Integration (*Chapter 4, section 4.3*). All applicable sections of the County’s critical areas regulations (Clallam County Code [CCC] 27.12) are incorporated directly into the Preliminary Draft SMP to clarify the relationship between Shoreline Management Act and Growth Management Act ([RCW 36.70A](#)) regulations, to minimize the potential for conflicting provisions.

Some of the critical area provisions required updates to meet current understanding of best available science and to meet the State required standard of no net loss of shoreline ecological functions. As such, there are some significant differences between the Preliminary Draft SMP and the existing critical areas code. The most substantial changes pertain to wetlands, where the proposed wetland classification system and standard wetland buffers are entirely unique from CCC 27.12. Similarly, buffer standards for hazardous areas are tailored to be consistent with the overall approach for application of shoreline buffers (as noted above).

The proposed integration eliminates repetitive and oftentimes conflicting provisions between the current SMP and critical areas code. With these changes, CCC 27.12 would only apply outside of shoreline jurisdiction – and the integrated critical areas section within the SMP would apply within shoreline jurisdiction.

Consistency with the Shoreline Management Act

The Preliminary Draft SMP provides an important tool for achieving the overarching goals of the Shoreline Management Act: protecting ecological functions and associated fish and wildlife habitat, promoting public access, and encouraging appropriate water dependent and related uses.

Protecting Ecological Functions including Fish and Wildlife: The Preliminary Draft SMP strengthens standards for shoreline and critical areas buffers, and improves standards for maintenance of vegetation within buffers and throughout the remainder of shoreline jurisdiction. The Preliminary Draft SMP limits development in high functioning shorelines, including feeder bluffs and other unarmored marine banks, estuaries, and active stream channels with intact and dynamic riparian condition. Almost all types of shoreline stabilization are prohibited in these areas, which account for a large majority of the County’s shoreline jurisdiction. The Preliminary Draft SMP provides adequate protection for more modified and intensely used shorelines, while allowing continued use of these shorelines to occur consistent with existing patterns.

The Preliminary Draft SMP does not require property owners or others to fix shoreline alterations that occurred in the past— the County must look to ecological restoration initiatives and grant opportunities, water cleanup plans and land acquisition programs to implement restoration. The Preliminary Draft SMP does not enforce impervious surface limits or stormwater management standards throughout contributing watersheds and basins – the County must use open space tax incentives, basin plans, stormwater management plans, and land acquisition programs to implement protections for contributing basins.

Promoting Public Access: Similar to the current SMP, the Preliminary Draft SMP requires that public access opportunities be considered when industrial, commercial, or public development occurs within shoreline jurisdiction. The Preliminary Draft SMP requires maintenance of existing unimproved and improved public access points. The Preliminary Draft SMP allows water-oriented recreational development in all designations (permitted in all except for Freshwater Natural and Feeder Bluff, where a conditional use permit is required). Policies in the Preliminary Draft SMP encourage the County to seek opportunities to improve public access when consistent with the County’s Public Access Plan (in development).

Although public access is one of the three major goals of the Shoreline Management Act, public access – like other types of use/development – is held to the same standard of environmental protection as other uses/development. The Preliminary Draft SMP does not identify specific public access needs, and does not provide a means for acquiring or improving existing public access sites. The County is developing a separate public access plan in order to meet these needs.

Encouraging Water-Dependent and Water Related Uses: Residential development (and use) and timber harvest are known to be among the most common uses occurring in Clallam County’ shoreline areas. Other important water-dependent and water-related uses occurring in the County include shoreline recreation (public and private) and boating facilities. The Preliminary Draft SMP creates a designation tailored to forest practices (Freshwater Resource) – which helps sustain these areas for commercial timber by restricting new development of incompatible uses. The Preliminary Draft SMP allows for single family residential development in all of the proposed designations and the Modified Lowland and Freshwater Residential designations provide special allowances for infill development, where densities are already relatively high. The Preliminary Draft SMP provides development standards that accommodate residential development in areas that are more ecologically intact, which attempt to balance residential use with preservation of important ecological characteristics, such as riparian vegetation. The Preliminary Draft SMP allows for water-oriented recreation development in all areas where such use is anticipated, and provides allowances for shoreline modification and boating facilities in these locations.

No Net Loss (Chapter 4, section 4.4): State law requires that the SMP ensure “no net loss” of shoreline ecological functions. The no net loss section is entirely new—the existing SMP does not specifically address the no net loss requirement. The no net loss standard means that the impacts of new shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated on a project-by-project basis so that as development occurs shoreline functions stay the same. The policies and regulations of the Preliminary Draft SMP implement a sequential approach to mitigation: 1) Avoiding an impact altogether; 2) Minimizing impacts by putting limitations on the project; 3) Rectifying impacts through repair, rehabilitation, and/or restoration; 4) Reducing or eliminating an impact over time; 5) Compensating for an impact by replacing or providing substitute resources or habitats; and 6) Monitoring the mitigation and taking remedial action when necessary.

The Preliminary Draft SMP provides policies and regulations that will assist the County in achieving no net loss; however, no net loss will not be achieved solely through the shoreline permitting process. It will

require a full range of actions including buy-out programs for floodplains, voluntary restoration efforts, compliance with other County programs (e.g., health department rules for on-site septic systems), and sound stewardship on the part of landowners who live on the shoreline but are not engaged in any activities that are regulated by the SMP (e.g., refraining from using pesticides).

Fully Achieving the Community's Vision

The scope of the SMP is legally, geographically, and procedurally limited, so it cannot by itself fulfill all of the community's wishes. Clallam County residents have a long history of living along marine shorelines and rivers. It is clear that they care deeply about the place and their community, whether they have been here for generations or just a few years. Many long-term residents lament the decline of the wild character and the wide-open hunting, fishing, and tramping through the woods that was the epitome of the Olympic Peninsula experience. Others celebrate the north Olympic coast for the relief it offers from traffic, crowding, and concrete. Either way, most residents were drawn here or remain here because of the beauty of the environment and the connection to nature.

Clallam County citizens are practical—they recognize that the clock will not go backwards and things will not stay as they are. People want ecological, economic and social prosperity. They want to see salmon return in greater numbers, and hope the Elwha dam removal will be successful in restoring the “100 pounders.” They want the natural processes that form the unique beaches and spits to continue and be enhanced.

County residents value their timber heritage and want the forests to be used for the benefit of private and public interests. They seek tourism and the harvest of natural resources as part of a stable economy that supports working families and provides opportunity for younger generations to remain in the county. Public access to shorelines enables people to connect with nature and each other. Being able to reach the beach in minutes is highly valued, and there is a strong desire for more access to the County's public waters. Property owners want to be respected and acknowledged for their rights to use their land and commitment to be good stewards.

People want a county government that is effective at informing individuals and communities in making wise decisions, ensures that bad actions are discouraged and penalized, and sees that public resources are well managed. They want a government that is responsive to their needs and efficient in using scarce dollars.

To fully achieve this vision for the future, the SMP must be effectively implemented along with other programs that work in concert. This could include conservation incentive programs that provide tax breaks or fee-based mitigation programs that help achieve no net loss. The Preliminary Draft SMP is designed to improve understanding and awareness of shoreline threats and of the value of protecting shoreline environments, but additional outreach programs are needed to provide property owners with the assistance they need to confront the issues that are part of life when you live on the shoreline. Enforcement will be a key for successful implementation of the policies and regulations of the SMP. Shoreline restoration and water quality improvements will be needed to address existing problems.

Next Steps

The County's SMP Update Advisory Committee will review the preliminary draft in March and April, and the County will hold public forums to gather broader input in mid-April (dates and locations to be announced). The draft will then be revised starting in May 2012 before formal review and public process commences before the County Planning Commission, the County Board of Commissioners, and the Washington State Department of Ecology (in sequence). The County Planning Commission and Board of Commissioners will take up formal review of the revised SMP later this spring and summer. Opportunity for public comment will occur throughout this process.

Additional Information and Contact

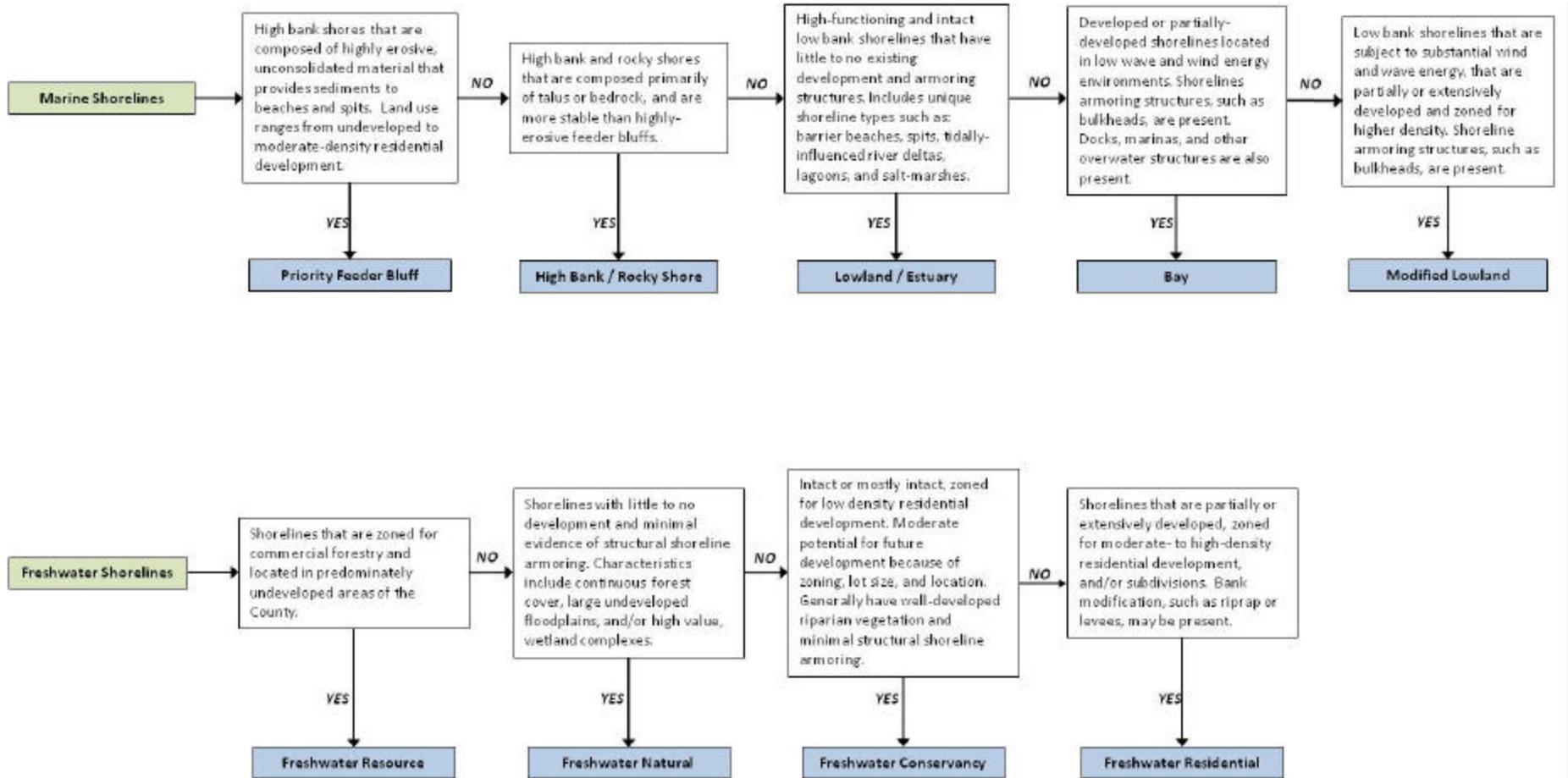
The best way to become informed is to visit the County's SMP Update web pages at (http://www.clallam.net/RealEstate/html/shoreline_management.htm). These web pages are regularly updated. You can also contact the Department of Community Development to talk to a shoreline staff planner or schedule a meeting by emailing us at: SMP@co.clallam.wa.us or by calling 417-2563 or 417-2277. If you call, and no one is available to answer, please leave a message. You can also request to be placed on the County's SMP email notification list.

We appreciate your interest in Clallam County's SMP update effort and look forward to your comments and suggestions for the Preliminary Draft SMP.

Sincerely,

Steve Gray, Planning Manager
Clallam County Community Development Department

Flow chart for assigning new shoreline environment designations (Aquatic designation not shown)





Introduction to Washington's Shoreline Management Act (RCW 90.58)

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The Act establishes a broad policy giving **preference** to uses that:

- protect the quality of water and the natural environment,
- depend on proximity to the shoreline ("water-dependent uses"), and
- preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a **balance of authority** between local and state government. Cities and counties are the primary regulators but the state (through the Department of Ecology) has authority to review local programs and permit decisions.

Shoreline master programs

Under the SMA, each city and county adopts a **shoreline master program** that is based on state guidelines but tailored to the specific needs of the community. More than **200 cities** and **all 39 counties** have shoreline master programs.

Local shoreline master programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Local governments may **modify master programs** to reflect changing local circumstances, new information, or improved shoreline management approaches. All changes to master programs require public involvement. At a minimum, local governments must hold public

hearings. Substantial revisions are usually written with help from citizen advisory committees.

Ecology provides **technical assistance** to all local governments undertaking master program amendments. Ecology also provides **grants** (approx-

mately \$425,000 per year) to local governments within the state's Coastal Zone (jurisdictions within the 15 counties with saltwater shorelines).

Most shoreline master programs were originally written between 1974 and 1978. Since then, approximately 25% of these

Where does the Shoreline Management Act apply?

The Shoreline Act applies to:

- all marine waters;
- streams with a mean annual flow greater than 20 cubic feet per second;
- water areas of the state larger than 20 acres;
- Upland areas called "shorelands" 200 feet landward from the edge of these waters;

and the following areas when they are associated with one of the above:

- biological wetlands and river deltas; and
- some or all of the 100-year floodplain including all wetlands within the entire floodplain.

Shorelines of State-wide Significance

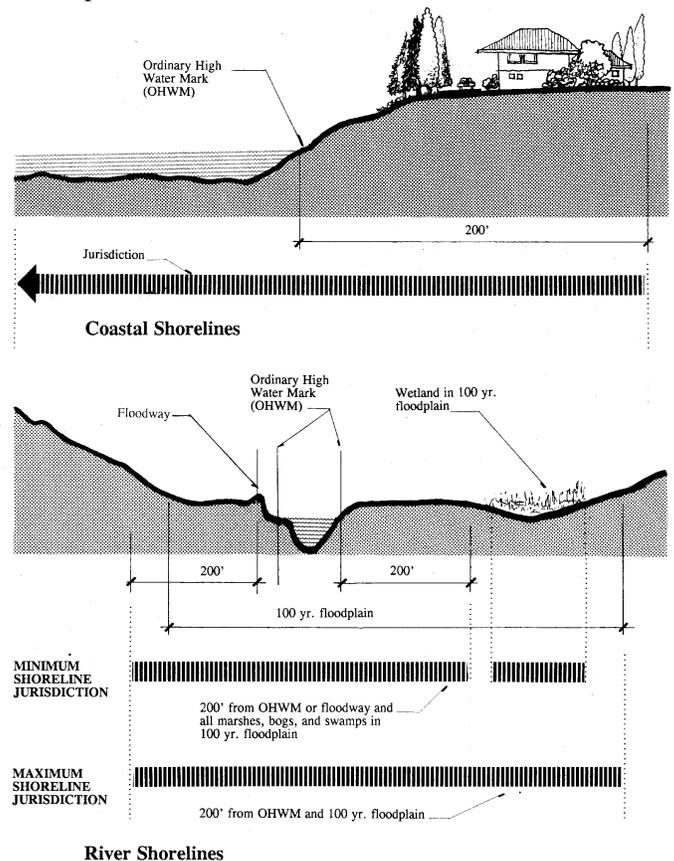
The Shoreline Act also states that "the interests of all the people shall be paramount in the management of shorelines of statewide significance."

These shorelines are defined in the Act as:

- Pacific Coast, Hood Canal and certain Puget Sound shorelines;
- all waters of Puget Sound and the Strait of Juan de Fuca;

- lakes or reservoirs with more than 1,000 surface acres;
- larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cubic feet per second and

- greater east of the Cascade crest); and
- wetlands associated with all the above.



The Shoreline Management Act applies to more than 20,000 miles of shorelines: 2,300 miles of lake shores, 16,000 miles of streams, and 2,400 miles of marine shoreline.

programs have been significantly updated; 50% have only had minor amendments, and 25% have never been amended.

Master program amendments are effective after **Ecology's approval**. In reviewing master programs, Ecology is limited to a decision on whether or not the proposed changes are consistent with the policy and provisions of the Act and the state "master program guidelines."

Shoreline permits

Each local government has established a system of permitting for shoreline development.

Substantial Development Permits are needed for projects costing over \$2,500, or those which materially interfere with the public's use of the waters.

Some projects and activities are simply prohibited by local master programs or under the policy of the Act. However, it is far more common that the issue is *how* a development should be done - not whether or not it should be done.

Local governments may also issue **Conditional Use** or **Variance** permits to allow flexibility and give consideration to special circumstances. Ecology must approve all conditional use and variance permits.

Local governments issue approximately **1,000 permits every year**.

Permit exemptions

The Shoreline Management Act **exempts** certain developments from the need to obtain a substantial development permit. Among other things, permits are not needed for:

- Single family residences
- Normal protective bulkheads for single family residences
- Normal maintenance and repair of existing structures
- Docks worth less than \$2,500 (salt water) or \$10,000 (fresh water).
- Normal farming activities
- Emergency construction

needed to protect property

Activities exempted from the need to acquire a permit must still comply with all substantive policies and regulations of the local master program.

Public involvement and appeals

The Act strongly supports **public involvement** in shoreline decision making. Citizens participate on advisory boards preparing local master programs, and public comment is required for individual permits.

The **Shorelines Hearings and Growth Management Boards** are quasi-judicial bodies whose members representing citizen interests. Any aggrieved party may appeal a shoreline permit to the Shorelines Hearings Board. Master program amendments or adoptions may be appealed to a Growth Management Hearings Board (GMA jurisdictions) or the Shorelines Hearings Board (non-GMA jurisdictions).

Ecology's role

Most of Ecology's work involves providing technical assistance *prior* to a local decision.

- Ecology shoreline specialists work with local planners on the phone, at pre-application meetings, and through site visits.
- Ecology works with applicants to make sure the project does not harm shorelines - in many cases the project can be redesigned so that it meets the policies and regulations of the local master program.
- Ecology often receives early notice of a project through SEPA, and works with applicants and local governments before the permit is filed.

After local government issues its permits, Ecology has 21 days to review substantial development permits and 30 days to review conditional use and variance permits. Ecology's role is to determine if the local

Federal Coastal Zone Management Act

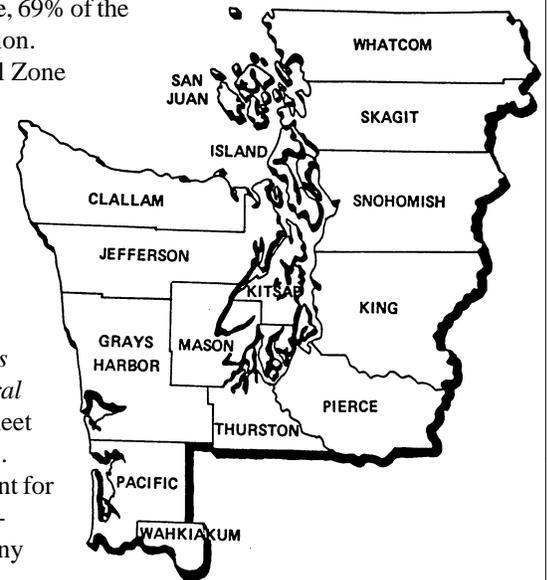
In 1976, Washington became the first state to develop an approved coastal management program under the federal Coastal Zone Management Act, a voluntary federal program that fosters active state involvement in managing the nation's coastal zones. The Shoreline Management Act is the basis of Washington's CZM program.

The coastal program benefits jurisdictions within the **fifteen counties** bordering Washington's 2,337 miles of saltwater shorelines. The coastal zone is home to almost 4 million people, 69% of the state's population.

The Coastal Zone program gives the state **legal muscle** over federal projects. The state can require federal projects (*and private projects that need federal approval*) to meet state standards. This requirement for "federal consistency" is in many

cases the only leverage that the state has to influence federal projects.

The CZM program also provides **money** to Washington State. Since 1976, the state has received \$2 million every year. This grant pays for Ecology's review of shoreline permits, enforcement, technical assistance, and education. Ecology also awards grants (\$425,000 annually) to local governments for shoreline master program updates, waterfront revitalization plans, education programs, and public access.



action is consistent with the local master program and the policy of the Act.

If Ecology disagrees with a local decision on a **substantial development permit**, Ecology must appeal the decision to the Shoreline Hearings Board.

Ecology must approve or deny all **conditional use** or **variance permits**.

Ecology's decisions on conditional use or variance permits may be appealed to the Shorelines Hearings Board.

Compliance

While the primary responsibility to enforce the SMA rests with

local governments, Ecology has a duty to "insure compliance." This is done through a variety of means, including technical assistance visits, notices of correction, orders, and penalties.

Permit numbers

From 1990 - 1998, local governments issued 8,302 substantial development permits. Of those Ecology appealed 55 to the Shorelines Hearings Board and 294 were appealed by other parties. During those same years local governments issued 2,719 conditional use permits and variances of which 111 were denied by Ecology.

Shoreline Master Programs

Until about 40 years ago, development in Washington’s shoreline areas tended to be piecemeal and uncoordinated. To improve and protect state shoreline areas, the Washington Legislature passed the state Shoreline Management Act in 1971. The public adopted the Act in a 1972 referendum vote.

To regulate shoreline development, the state law established a cooperative relationship between local governments and the Washington Department of Ecology (Ecology). The Shoreline Management Act applies to rivers, lakes greater than 20 acres, and marine waterfronts as well as associated shorelands, wetlands, and floodplains. The law has three main purposes:

- Encourage reasonable and orderly development of shorelines, with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect the natural character of Washington shorelines, the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas.

“Shoreline master programs” are the cornerstone for carrying out the Shoreline Management Act. Under state law, Washington’s 266 towns, cities and counties that have shoreline areas covered under the Act must develop these individual, locally-tailored programs to guide construction and development in regulated shoreline areas.



Dungeness Spit in the Strait of Juan de Fuca.

Q: What do shoreline master programs do?

A: Development of each shoreline master program begins with an inventory and analysis of all shoreline areas in a given jurisdiction. Shoreline master programs help local governments avoid or lessen environmental damage as shoreline areas are developed. Based on current conditions and long-term needs, shoreline master programs reserve appropriate areas for water-oriented uses. They promote public access opportunities. Master programs include requirements for new development to stay well away from flood, landslide, erosion hazard and wetland areas. They are more than simply plans. A master program combines local plans for future shoreline development and identifies areas appropriate for restoration and preservation. They include statewide as well as local policies and related specific permitting requirements.

Q: Why are shoreline master programs important?

A: Shorelines are where the land meets state waters. If we ever hope to restore and protect state shoreline areas – including Puget Sound – at the same time we accommodate necessary and appropriate new development, we must be sure to manage our limited shoreline resources wisely. Whenever we build in our shoreline areas, we transform a unique and precious aspect of our natural environment. We clear native vegetation, build bulkheads, armor shoreline banks, and put in driveways, roads, roofs and other impervious surfaces. This development often has negative effects on our environment. Shoreline master programs are critical because they establish each community's goals for its shoreline areas and implement policies and regulations to:

- Help protect water quality for our marine waters, lakes and stream systems.
- Increase protection of lives and property from flood and landslide damage.
- Protect critical habitat as well as fish and wildlife.
- Promote recreational opportunities in shoreline areas.

Local Governments: Roles and responsibilities**Q: Why do local governments have to update their shoreline master programs?**

A: In 2003, the state Legislature set up a timetable for local governments to update local shoreline master programs. Most haven't done so comprehensively since the mid 1970s. Since voters passed the Act in 1972, Washington's statewide population nearly doubled from about 3.4 million to 6.5 million people. The old shoreline master programs need review, updated to address



current conditions, consider new science, and better align with other related laws. An effective shoreline master program update will reduce unsustainable development and provide shoreline land owners with a clearer set of standards.

Q: What economic and legal benefits do communities gain by updating their shoreline master programs?

A: Shoreline master programs help communities save time and money by integrating their shoreline programs with other existing land use and resource protection instruments such as local Comprehensive Plans and critical areas ordinances. Local governments will get economic benefits from integrating their shoreline master programs with port development plans, park and trail system development, watershed management, and salmon recovery plans. Communities also benefit economically because shoreline master programs:

- Protect lives, property, and tax expenses by keeping development from occurring in unstable or unsafe areas.
- Help towns, cities, and counties realize their vision for future waterfront development and uses.
- Allow appropriate new development to occur in the shoreline areas.
- Provide more certainty to the development community through shoreline building ordinances and permitting requirements.
- Avoid costly restoration of degraded shorelines in the future.

Q: What is the role of local governments in shoreline management?

A: Local governments are responsible for starting the shoreline master program planning, deciding which areas are in shoreline jurisdiction, analyzing the present uses and long-term needs for waterfront lands, and locally adopting a shoreline master program. Local governments must consult with other agencies, tribal governments, and all individuals interested in developing their shoreline master programs. Once adopted, local government is the shoreline master program administrator. The local government reviews new development proposals and uses the permit system to decide what is consistent with state law and the local program.

Q: Is the public involved in developing shoreline master programs?

A: The state Shoreline Management Act requires people representing different community interests develop local shoreline programs and permit processes. These interests usually include shoreline property owners, developers, businesses, environmental and conservation groups, recreation organizations, Indian tribes, farmers and agricultural interests, and local and state governments.



Q: Who approves local shoreline master programs?

A: Each local government approves its program after a public review and comment period. Then local government sends the shoreline master program to Ecology, who reviews it for consistency with state guidelines. Ecology must approve the locally approved and submitted master program, before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption.



Homes destroyed in 1997 Perkins Lane landslide on Magnolia Bluff in Seattle

Q: Who pays to have a local master program updated?

A: The Shoreline Management Act requires the state to provide “reasonable and adequate” funding for shoreline master program updates. Ecology gives the money provided by the Legislature to local governments in the form of grants. For the current budget cycle (from July 1, 2009, through June 30, 2011), state lawmakers authorized \$7.5 million in grants to jurisdictions in Clark, Clallam, Island, King, Kitsap, Mason Pierce, San Juan, Skagit, and Snohomish counties to update their shoreline master programs.

Q: How is each grant amount determined?

A: Ecology determines each jurisdiction’s grant award based on a number of factors. The department considers past levels of funding provided to local jurisdictions for shoreline master program updates to date. Ecology also looks at:

- Miles of shoreline in each jurisdiction
- Number and complexity of kinds of shoreline (marine, streams and rivers, and lakes)
- Population
- Area
- Growth rate

Q: What if a local government doesn’t want to update its shoreline master plan?

A: Ecology is required by law to prepare and adopt master program updates for any local jurisdiction that fails to update prior to the deadline established in the law. In that case, much of the opportunity for local determination of how to regulate shoreline areas would be reduced.

Q: What if a local government can’t get their update done by Dec. 1, 2014?

A: Once a jurisdiction has received a grant from Ecology to help them update their Shoreline Master Program, they have three years to locally adopt and submit the completed update to Ecology for approval.



Guidelines, Funding and Review: Ecology's role

Q: What is Ecology's role in the shoreline master program process?

A: Ecology provides state guidelines to local jurisdictions outlining the essential elements their individual shoreline master programs must address. Ecology provides financial support technical assistance, guidance materials and regular training in support of local updates.

Q: What is the purpose of Ecology's 2003 Shoreline Management Act guidelines?

A: The guidelines set minimum procedural and substantive standards for local governments updating their programs. Ecology and state Growth Management Hearings Boards also use the guidelines to review and approve local shoreline master program updates. The 2003 guidelines now in place resulted from a negotiated settlement between business interests, ports, environmental groups, shoreline user groups, cities and counties, Ecology, and the courts. Also in 2003, the state legislature provided funding and established a mandatory schedule for local shoreline program updates through 2014.

Q: What types of action can Ecology take when it receives an updated shoreline program?

A: After Ecology reviews the local program to determine if it complies with state guidelines requirements, the department can approve it as submitted by the local jurisdiction, approve it with changes, or reject it. Once Ecology approves a local shoreline master program, it becomes part of the statewide shoreline "master" program. At that point, local jurisdictions are responsible for carrying out shoreline development ordinances and deciding how the code applies to individual projects.

Q: Why is it important for local governments to get Ecology's approval?

A: The Legislature appointed Ecology responsible for ensuring statewide policies are upheld and implemented when local shoreline master programs are adopted. Under the Shorelines Management Act, a locally approved program must meet state guidelines. Once an updated program receives approval at the local and state levels, the state becomes a full partner in defending any legal challenges to the updated program.

Legal Issues

Q: Aren't requirements for shoreline vegetation buffers a "taking" of private property rights?

A: No. The U.S. Constitution allows state and local governments to limit private property activities provided it's for a legitimate public benefit and they do not deprive the landowner of all reasonable use of the property. For example, state and local governments can adopt regulations that prevent sediment from running off private property and entering a salmon-spawning stream. These regulations protect salmon, a public resource. In most cases, buffers do not deprive landowners of all reasonable use of their property and, in fact, all property tends to benefit from reasonable setbacks and buffers. In those limited instances where the buffer precludes or significantly interferes with a reasonable use, the property owner may obtain a variance.



Q: Hasn't Whatcom County's Shoreline Master Program been challenged and overturned in court?

A: No. A local developer and the Building Industry Association of Whatcom County took Whatcom County and Ecology to court and lost on all issues except one. All other issues addressed by the Western Washington Growth Management Hearings Board, and in a separate Skagit County Superior Court case, were found in Whatcom County and Ecology's favor. The issue the Board found in the appellant's favor was "despite critical areas being originally approved through a county critical areas ordinance public process, they need to be revisited and justified if incorporated into an updated shoreline master program."

The Western Washington Growth Management Hearings Board ruled:

- Ecology's approval of the shoreline master program was valid as originally approved on August 8, 2009.
- The public process was proper and legally correct.
- The county's inventory and analysis supported the designation of all marine near shore areas, streams, and lakes as critical areas.
- The issue challenging the required 100 to 150 foot buffers was dismissed.

The Skagit County Superior Court found:

- The shoreline master program is not subject to certain statutory limitations on the regulation of development because shoreline master programs constitute state, not merely local, regulations.

Q: We keep hearing that "junk science" is being used, our property rights are being stolen, and that our land is being condemned. Is this true?

A: Unfortunately, some people are worried and angry at times based on misinformation about how buffer zones or shoreline regulations would affect their property values. Many exaggerated claims have been made about how shoreline master programs will affect what they can and can't do on their property. The Shoreline Management Act requires local and state government to include the views of all interested persons in developing shoreline master program goals, policies, and regulations. We encourage open and honest dialogue with all stakeholders to develop strong shoreline programs supported by the best, sound science.

Property Issues

Q: Won't buffers and other shoreline regulations decrease my property values?

A: Property values are relatively unaffected by buffers. Waterfront property has skyrocketed in value in the past 30 years despite shoreline buffers of 25 to 125 feet being in place for the same period. Protecting native vegetation along the shoreline actually enhances property values by:



- Stabilizing slopes.
- Screening adjacent development from view.
- Providing attractive landscaping and habitat.
- Blocking noise and glare from adjacent properties.

Q: Is it true if my house burns down I can't rebuild it in the same location?

A: No. Each local jurisdiction may modify their approach to this issue but, generally, a "grandfathered" house that burns down can be re-built in the same footprint. The exception would be if the existing location was dangerous or unsafe for building such as on a failing bluff.

Q: Whatcom County updated its shoreline master program in 2008. Have property owners applying for improvements such as new additions and garages run into any problems?

A: Since Whatcom County adopted its updated shoreline program, the county has received 20 applications to make building improvements. These building permits received approval and were issued in a timely manner. No decisions have been appealed.

Q: Could updating the local shoreline master program require me to tear down my existing shoreline structure?

A: No. Updating a local shoreline program only applies to development occurring after adoption. There are no retroactive shoreline master program requirements.

Q: Will waterfront property owners still be able to protect their property with a bulkhead under an updated shoreline master program?

A: If property owners can clearly demonstrate a need exists, they can use an approach that has the least impact on the natural shoreline.

Q: Will homeowners face more limits on building new docks?

A: That depends on the local circumstances and the choices made locally about how a community wants its future shoreline to look. If new docks can be shown not to harm the natural shoreline they can be allowed.

Q: Could there be limits on repairing houses, barns, fences, bulkheads, docks or other structures?

A: Provisions in state law allow the repair and maintenance of existing, lawful constructed structures. State shoreline guidelines allow repair and maintenance of existing structures, subject to any building requirements imposed separately by local jurisdictions.



Bulkheads, Sea Walls and Armoring

Q: What is hard armoring? What are its impacts on the shoreline?

A: The natural character of shorelines and many organisms living there depend on a continuous and uninterrupted relationship between upland areas and the water. Beaches depend on erosion to supply sand and gravel. Hard armoring interrupts this natural relationship. Property owners use hard armoring to protect an owner's preference for how the waterfront edge should look or limit property loss by erosion. Armoring prevents the supply of new material for beach formation and disturbs other ecological functions.

Q: What is soft armoring? What are its impacts on the shoreline?

A: There are many ways to slow the rate of erosion that are less disruptive than hard armoring. Soft armoring approaches often use a combination of less rigid structural materials and native vegetation to stabilize the shoreline. Placing large logs or native vegetation along the shoreline, for example, can serve as a natural break for waves while simultaneously providing some habitat value.

No Net Loss and Restoration

Q: What is “no net loss” of ecological or environmental functions?

A: The new environmental protection standard for updated shoreline master programs is “no-net-loss of shoreline ecological functions.” While restoration of degraded areas is encouraged, this does not mean all shoreline areas are required to be made “pristine” or returned to pre-settlement conditions. Local governments are required to inventory current shoreline conditions – including identifying existing ecological processes and functions that influence physical and biological conditions. When a shoreline program is adopted, existing ecological conditions on the ground must be protected while development of shoreline areas is continued in accordance with adopted regulations. This is accomplished by avoiding or minimizing the introduction of impacts to ecological functions that result from new shoreline development.

Q: Do the new guidelines require restoration?

A: Local governments must plan for restoration in their shoreline master programs. Restoration is not a direct requirement for private development. Local government must consider its restoration needs, identify resources available to conduct restoration, prioritize restoration actions, and make sure development activities don't interfere with planned restoration efforts in the community and vice versa. A shoreline master program may include incentives for developers to invest in shoreline restoration.

Q: Why are some “conservancy” or “urban” shoreline areas being designated “natural?”

A: State guidelines establish criteria specifying that if an area meets those criteria, they should be thus designated. This is an important part of achieving the broad policy objective of “no net loss.”



Agricultural Issues

Q: How do Shoreline Master Programs apply to farms / agriculture?

A: A 2002 state law requires when local shoreline programs are updated, the new standards, setbacks and buffers do not apply retroactively to existing agricultural development. Updated shoreline program requirements will however apply to new agricultural activities located in shoreline areas and where agricultural activities are converted to other uses. Local governments will need to be aware of this requirement when updating their master programs. Agricultural interests represented in the negotiations agreed with this approach.

Other Shoreline-Related Issues

Q: Why are critical areas ordinances often incorporated into local shoreline program updates?

A: A recent state Supreme Court decision (*Futurewise v. Anacortes*) decided that the shoreline master program solely regulates the shorelines and critical areas covered by the program, once Ecology approves it. Many existing master programs contain buffer requirements but are based on outdated conditions and science. Rather than repeat the work local governments have already done developing their critical areas ordinances under the state Growth Management Act, relevant portions of existing critical areas ordinances may be placed in updated shoreline master programs under the Shoreline Management Act.

Q: What are differences between critical areas ordinances and shoreline master programs?

A: Local governments and Ecology implement the Shoreline Management Act using locally-tailored Shoreline Master Programs. Local governments implement critical areas ordinances under the authority of the state Growth Management Act. The two laws have many similar requirements for environmental protection but they are administered with different kinds of regulatory procedures. The two laws also have many similar and some different objectives for dealing with future land use and development. Integrating Growth Management and Shoreline Management Act goals, policies, and regulations is required but often difficult to accomplish.

Q: Do the rules surrounding “best available science” apply to shoreline master programs?

A: No. Current science is the basis for shoreline master programs while “best available science” is a term from the state Growth Management Act, and does not apply to shoreline master programs. Shoreline management requires use of the “most current, accurate and complete scientific and technical information” as the basis for decision making.

Q: What is Ecology’s role in developing and providing wetlands guidance to local governments?

A: Local governments and the state Department of Commerce implement the GMA. Ecology, however, has expertise in managing and protecting wetlands. We knew most local governments didn’t have the resources to develop a science-based standard for protecting wetlands. To help local governments meet GMA requirements without reinventing the wheel, Ecology got a federal grant in 2002 and spent three years crafting wetlands guidance. We scanned over 15,000 scientific articles and summarized another 1,000 related to protecting and managing wetlands. Ecology continues to provide this guidance and technical assistance, as applicable wetland regulations are updated all across the state.



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Special accommodations:

To ask about the availability of this document in a version for the visually impaired call the Shorelands and Environmental Assistance program at 360-407-7291. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

