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Photo: Ecology Coastal Atlas

Clallam County Shoreline Master Program (SMP) Update
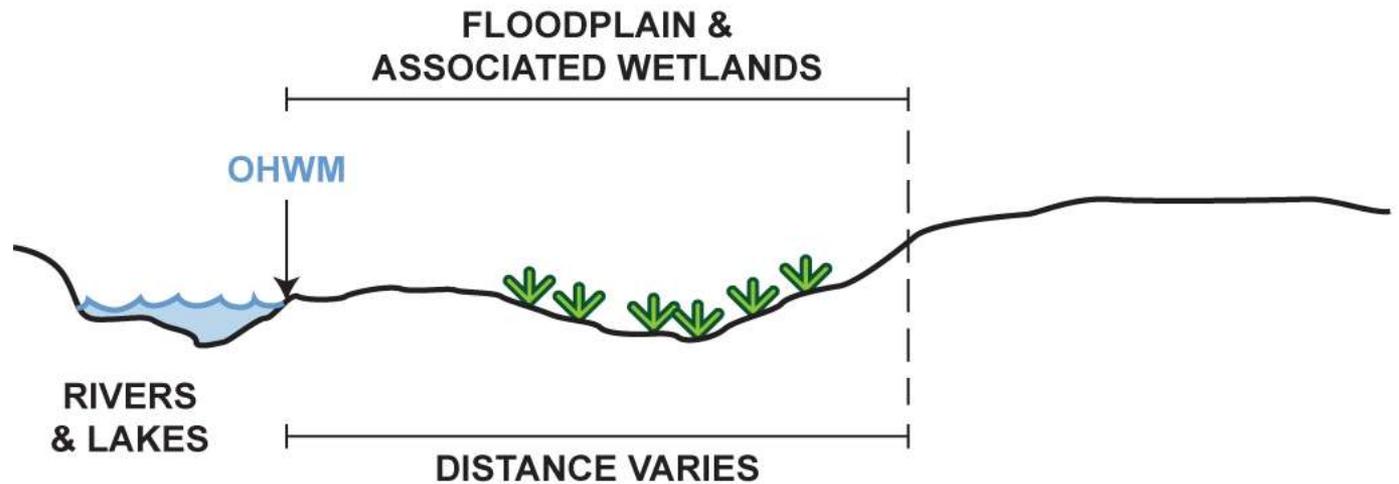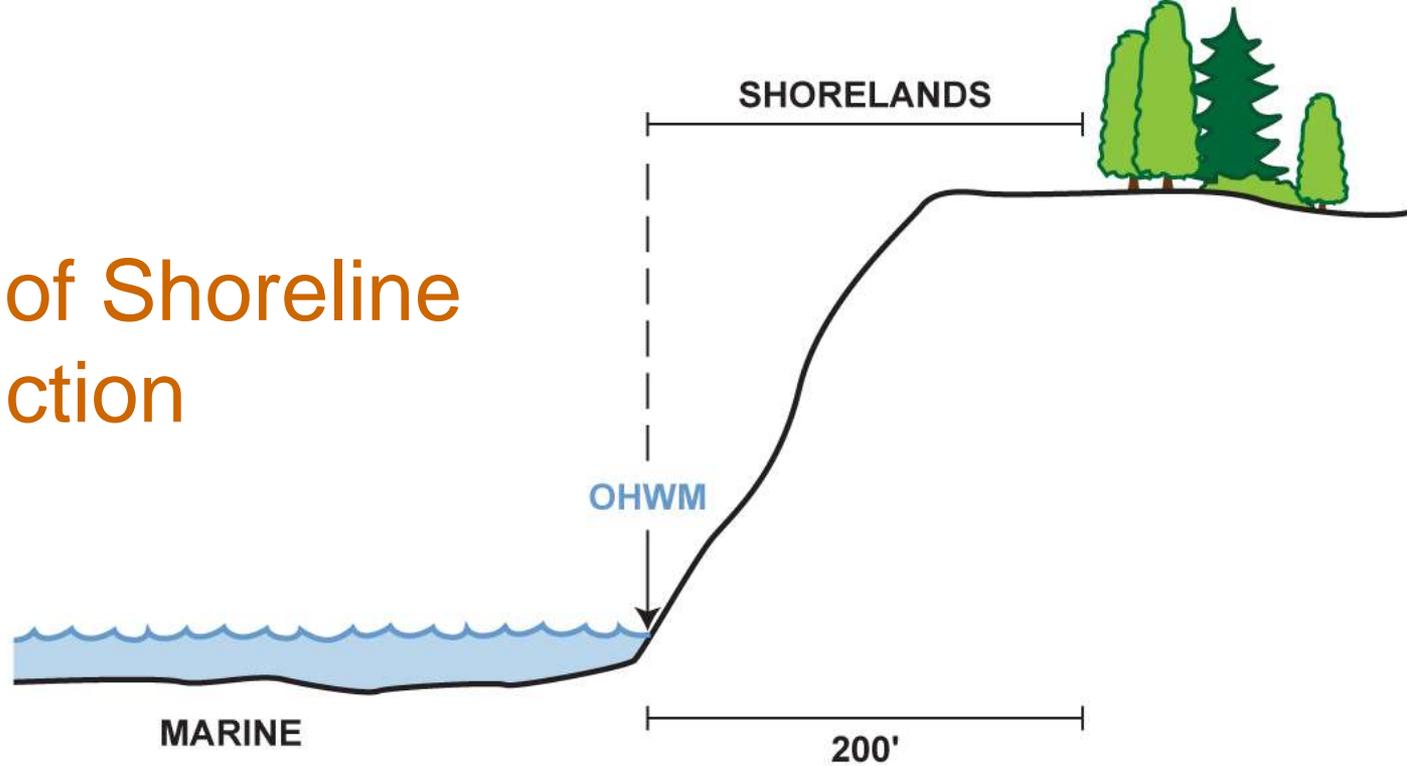
Port Angeles
Public Forum

April 2012

Presentation Overview

- Introduction to the Shoreline Management Act

- Why protect shorelines?

- The SMP update process

- Proposed changes to shoreline policies and regulations

Limits of Shoreline Jurisdiction

SHORELANDS

OHWM

MARINE

200'

FLOODPLAIN &
ASSOCIATED WETLANDS

OHWM

RIVERS
& LAKES

DISTANCE VARIES

Shoreline Management Act of 1971

""…coordinated planning is necessary in order to protect the public's interest associated with shorelines of the state, while at the same time recognizing and protecting private property rights consistent with the public's interest."

RCW 90.58.020

Three goals of shoreline management:

Encourage water-dependent & priority uses

Protect natural resources

Promote access to public waters

County adopted its first SMP in 1976!
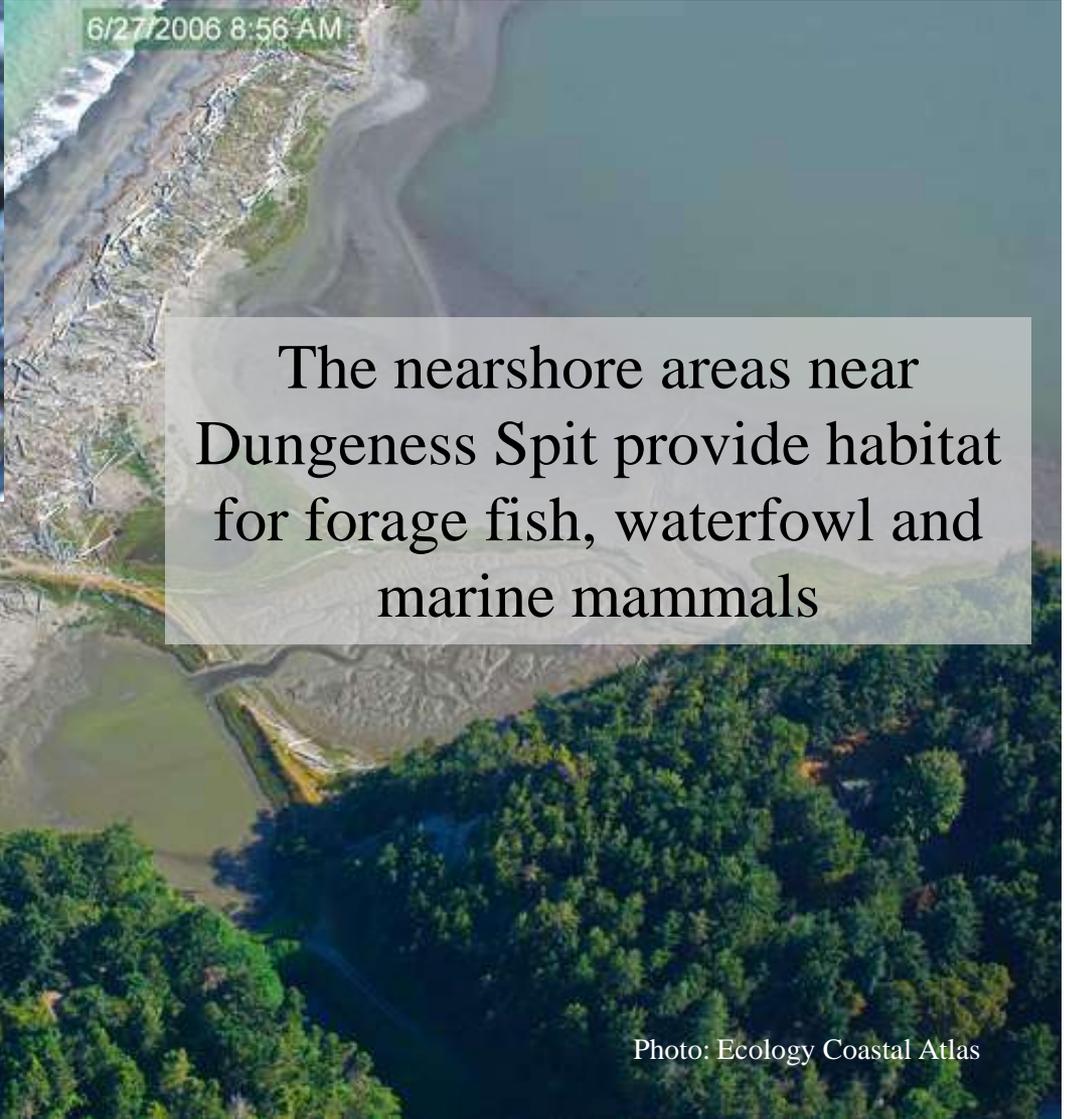
Why change it now?

- Population has more than doubled since the '70s

- County wants to accommodate growth without damaging lands and waters

- We know more about flooding, erosion, and other hazards than before

The forested bluffs and beaches on the Miller Peninsula perform many important functions:

Photo: Ecology Coastal Atlas

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The nearshore areas near Dungeness Spit provide habitat for forage fish, waterfowl and marine mammals

Photo: Ecology Coastal Atlas

The SMP Update Process

Assess Cumulative Impacts

Draft Policies and Regulations

Prepare Restoration Plan

Assign Environmental Designation

Inventory Shoreline Conditions

Prepare Consistency Review

Develop Community Vision

Shoreline Advisory Committee

- Formed a 30+ member committee to assist the Community Development Department
  - property owners
  - state agency staff
  - tribes
  - business interests
  - conservation organizations
- Sounding board for issues and concerns
- Broad range of perspectives
- 9 meetings to date, 3 more planned

Hot topics at the committee meetings:

- Environment designations
- Building in hazardous areas – Who bears the risk?
- Buffers and setbacks – Effects on existing and new homes.
- Net pen aquaculture – Yes or No?
- Public access – How much is there? Where?

Proposed changes to the SMP:

- New Environment Designations
- Buffers for new development are generally wider than currently required
- Critical area requirements fully integrated – one set of rules
- **We're not finished – we are refining the proposal based on your feedback!**

What are Environment Designations?

- Similar to a zoning overlay

- Allow areas with similar characteristics to be managed and regulated in a similar way

  - Specifies which uses and developments are allowed or not allowed on each segment of shoreline

  - Permit requirements and rules (such as buffers) vary by designation

Assigning Designations
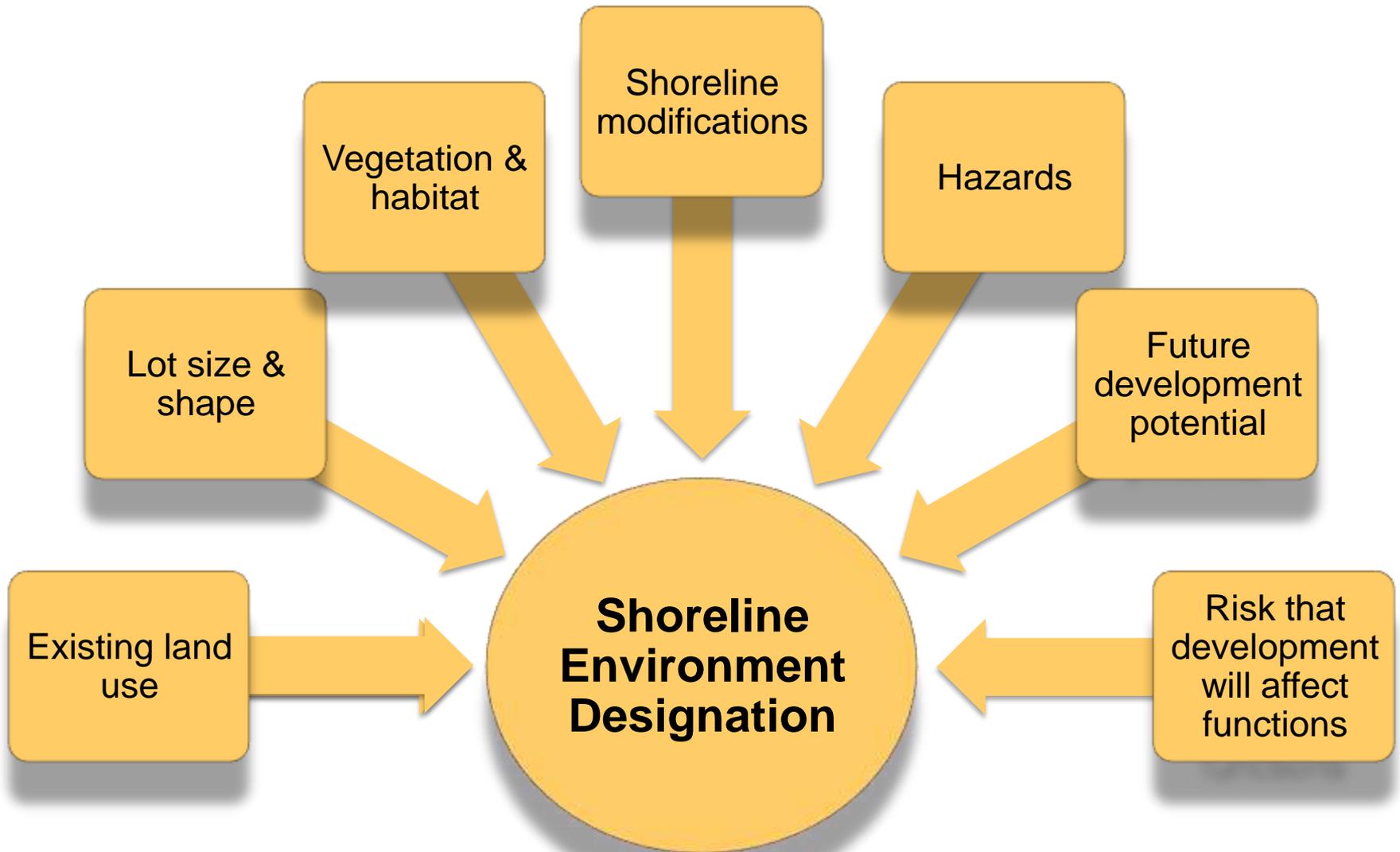
Designations – Marine Shoreline

Existing Designations

- Natural
- Conservancy
- Suburban
- Rural
- Urban

Proposed Designations

- Priority Feeder Bluff
- High Bank/Rocky Shore
- Lowland Estuary
- Bay
- Modified Lowland

Designations – Rivers & Lakes
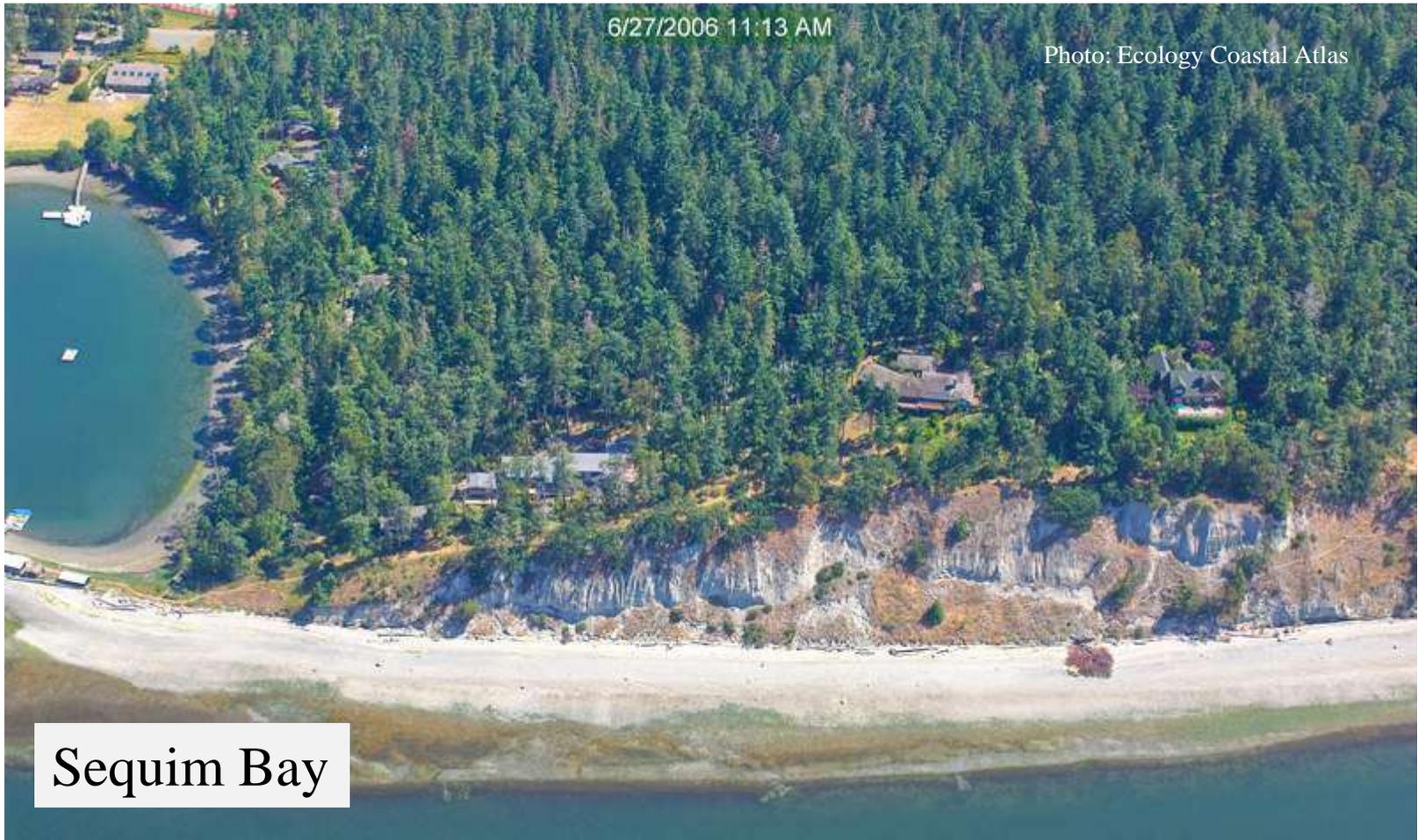
Existing Designations

- Natural
- Conservancy
- Suburban
- Rural
- Urban

Proposed Designations

- Freshwater Natural
- Freshwater Conservancy
- Freshwater Resource
- Freshwater Residential

Priority Feeder Bluff

6/27/2006 11:13 AM

Photo: Ecology Coastal Atlas

Sequim Bay

High Bank / Rocky Shore

Photo: Ecology Coastal Atlas

Pillar Pt.

Bay

West Sequim Bay

Lowland Estuary

6/27/2006 8:50 AM

Photo: Ecology Coastal Atlas

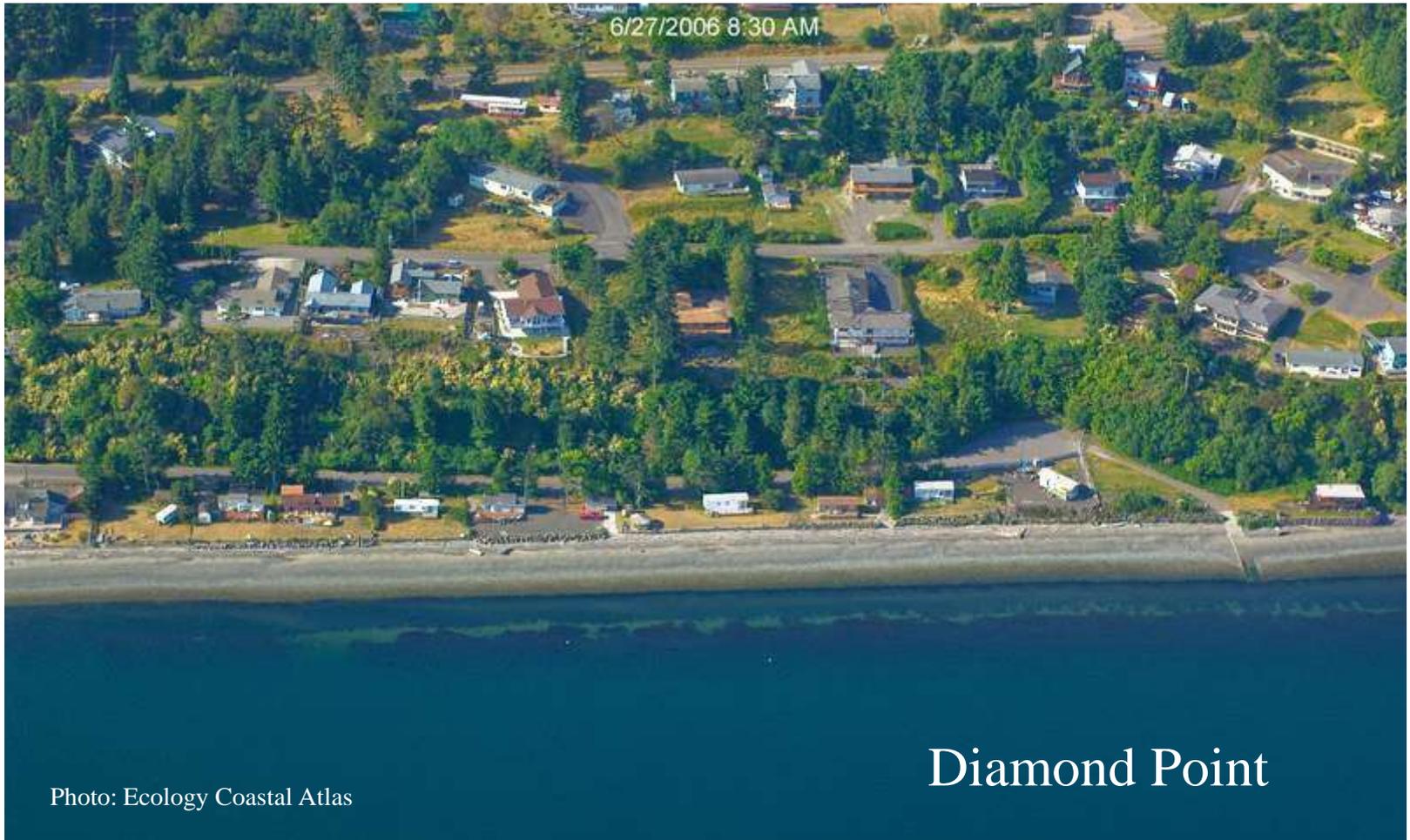Graysmarsh

Modified Lowland

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Photo: Ecology Coastal Atlas

Diamond Point

Freshwater Natural

Elwha River

Freshwater Conservancy

4/28/2007 9:34 AM

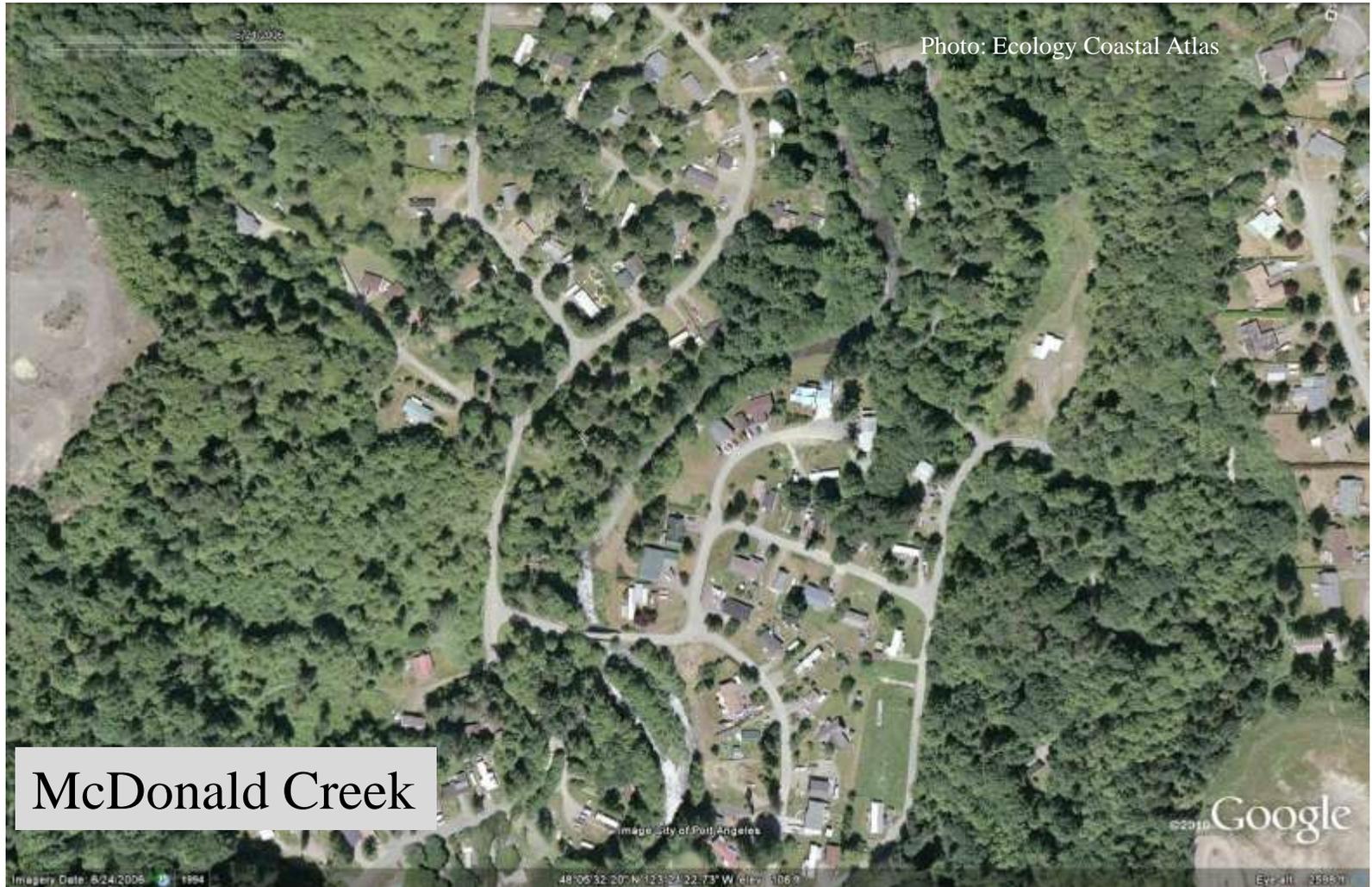Photo: Ecology Coastal Atlas

Dungeness River

Freshwater Resource

Hoko River

Freshwater Residential

Photo: Ecology Coastal Atlas

McDonald Creek

Shoreline Uses Addressed in the SMP

- Agriculture

- Residential development

- Recreation

- Moorage / Boating facilities

- Shellfish cultivation & harvest

- Commercial development

- Bulkheads/armoring

- Forest practices

- Utilities

- Dredging

Buffers and Setbacks

- Proposed shoreline buffers are generally wider than existing SMP 'setbacks'
- Buffers must be well vegetated
- Some uses are allowed in the buffer
- Buffers don't apply to Forestry or Agriculture
- Special allowances for buffers on small lots
- Some clearing is allowed to provide views and beach access

Existing buffers/setbacks – Marine

- Existing lots on marine bluffs:
  - 50 to 150 ft from ordinary high water mark (depends on existing designation)
  - 50 ft from top edge of bluff in landslide hazard areas (can be reduced with geotechnical study)
  - 100 ft or height of bluff on unstable bluffs
- Existing lots low bank shores:
  - 50 to 150 ft from ordinary high water mark (depends on existing designation)
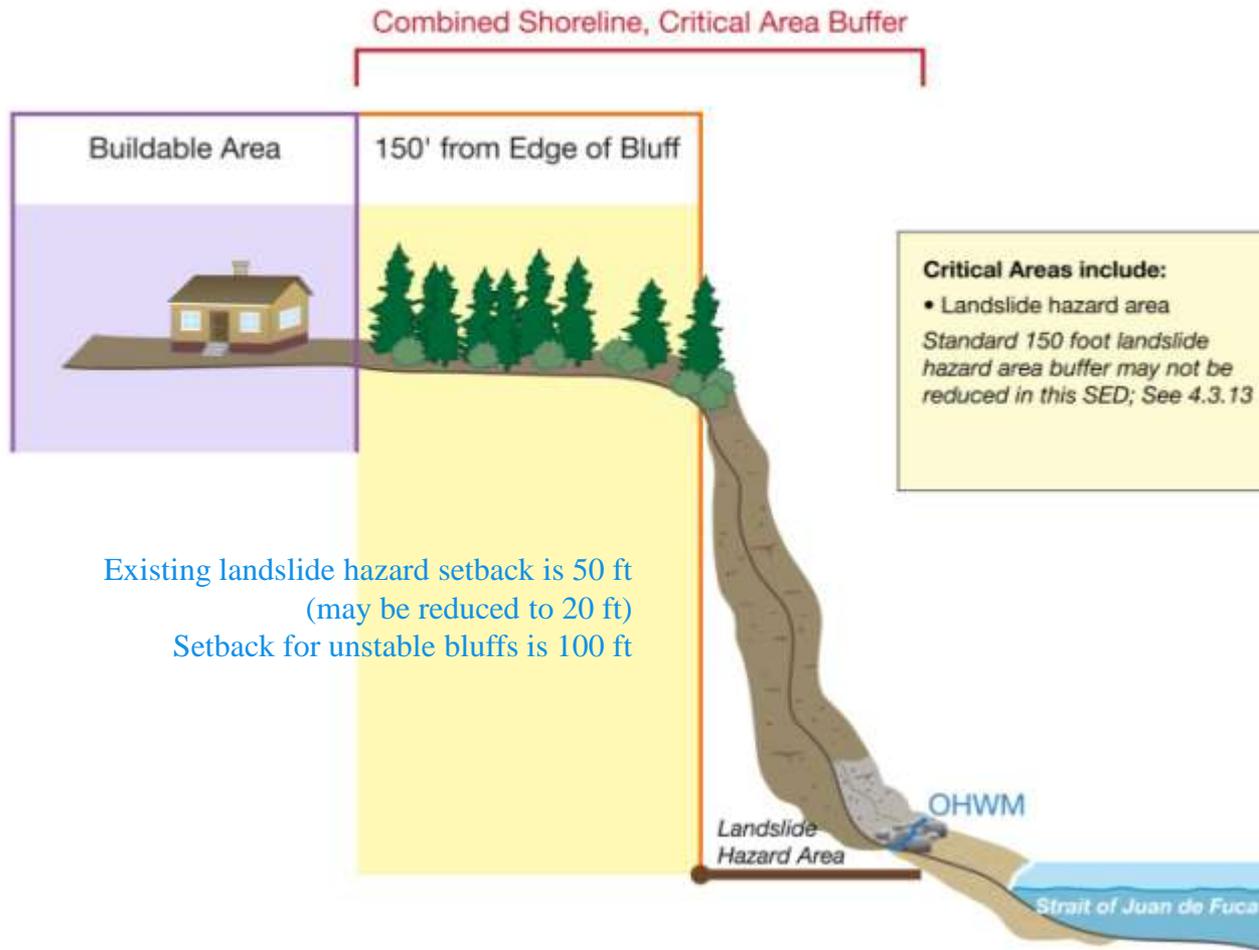- New lots require a 150 ft buffer

Proposed buffers - Marine

- Overlapping buffers:
  - Buffer from ordinary high water line = 50, 100 or 150 ft depending on designation
  - Buffer from top of bluff = 150 ft from edge of bluff
  - Buffers from other critical areas, if present

Priority Feeder Bluff
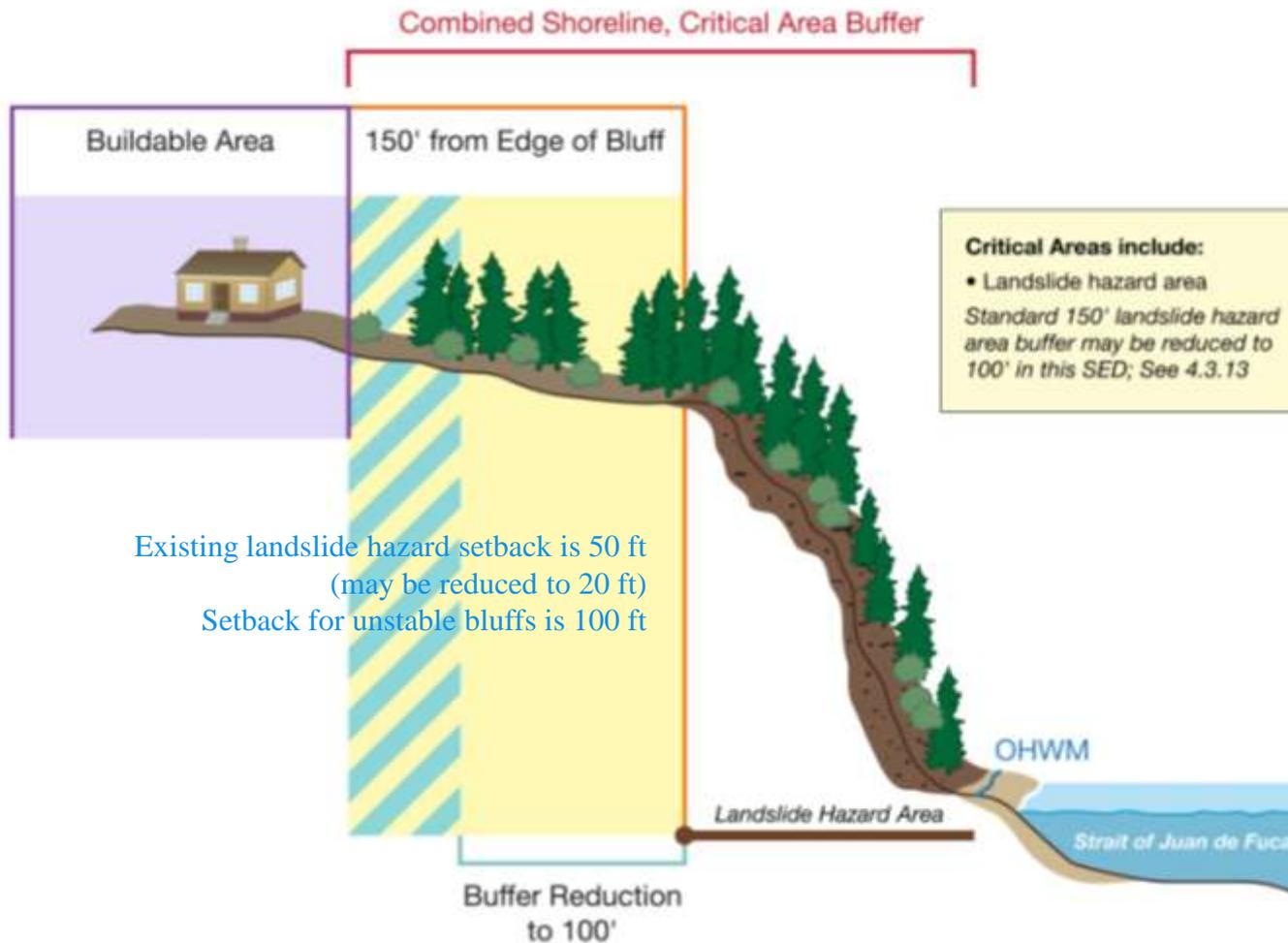## Shoreline / Critical Area Buffers

Combined Shoreline, Critical Area Buffer

Buildable Area

150' from Edge of Bluff

Critical Areas include:

• Landslide hazard area

Standard 150 foot landslide hazard area buffer may not be reduced in this SED; See 4.3.13

Existing landslide hazard setback is 50 ft
(may be reduced to 20 ft)
Setback for unstable bluffs is 100 ft

OHWM

Landslide
Hazard Area

Strait of Juan de Fuca

Buffer Implications – Priority Feeder Bluffs

- 473 parcels with this designation
  - 335 parcels are developed (70%)
  - 138 undeveloped (30%)

❖ This does not include 24 parcels fronted by public roads.

High Bank / Rocky Shore
Shoreline / Critical Area Buffers

Buffer Implications – High Bank/ Rocky Shore

- 213 parcels with this designation
  - 73 parcels are developed (34%)
  - 140 undeveloped (66%)

❖This does not include 18 parcels fronted by SR 112 or 26 parcels that are waterward of the bluff toe.

Bay
Shoreline / Critical Area Buffers

Critical Areas include:
• Landslide hazard area
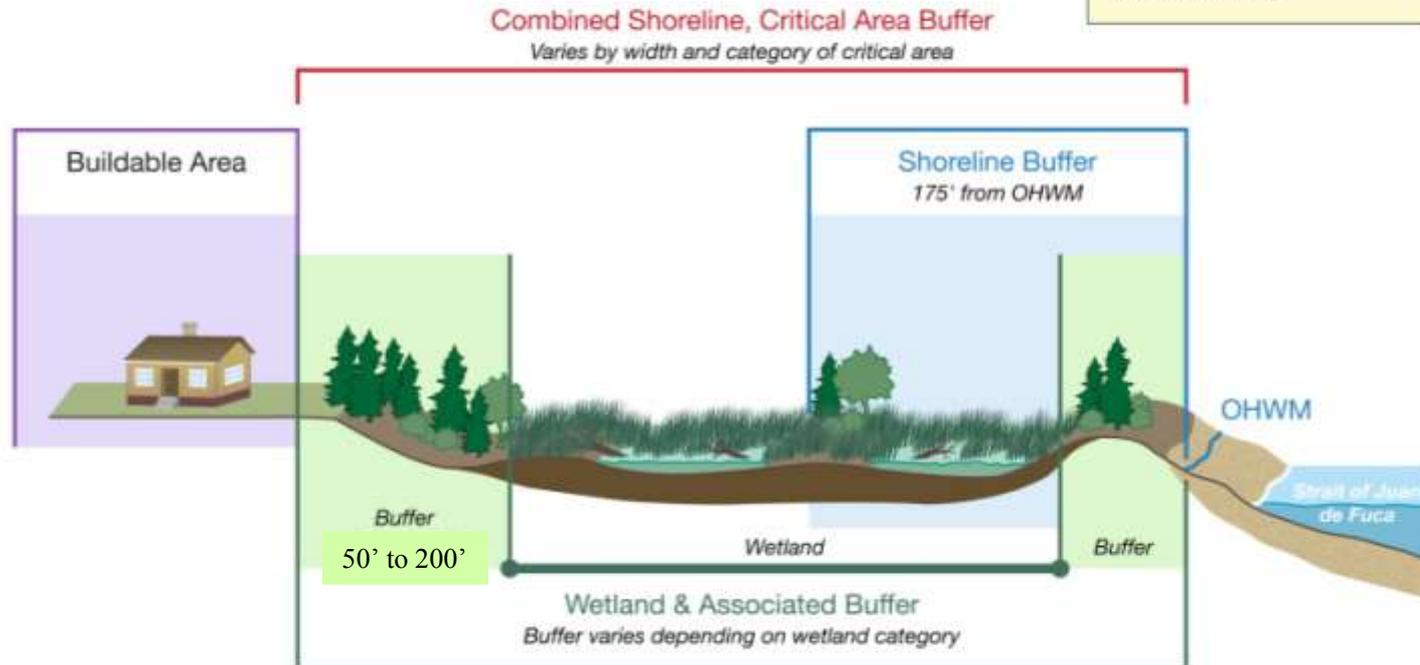*Buffer can not be reduced in this SED; See 4.3.13*

Combined Shoreline, Critical Area Buffer
Varies by width of critical area – Split within example shoreline

Buildable Area

Buildable Area

Shoreline Buffer
100' from OHWM

Buffer

Landslide Hazard Area

Buffer

OHWM

Strait of Juan de Fuca

Landslide Hazard Area & Associated Buffer
50' from top & toe of bluff
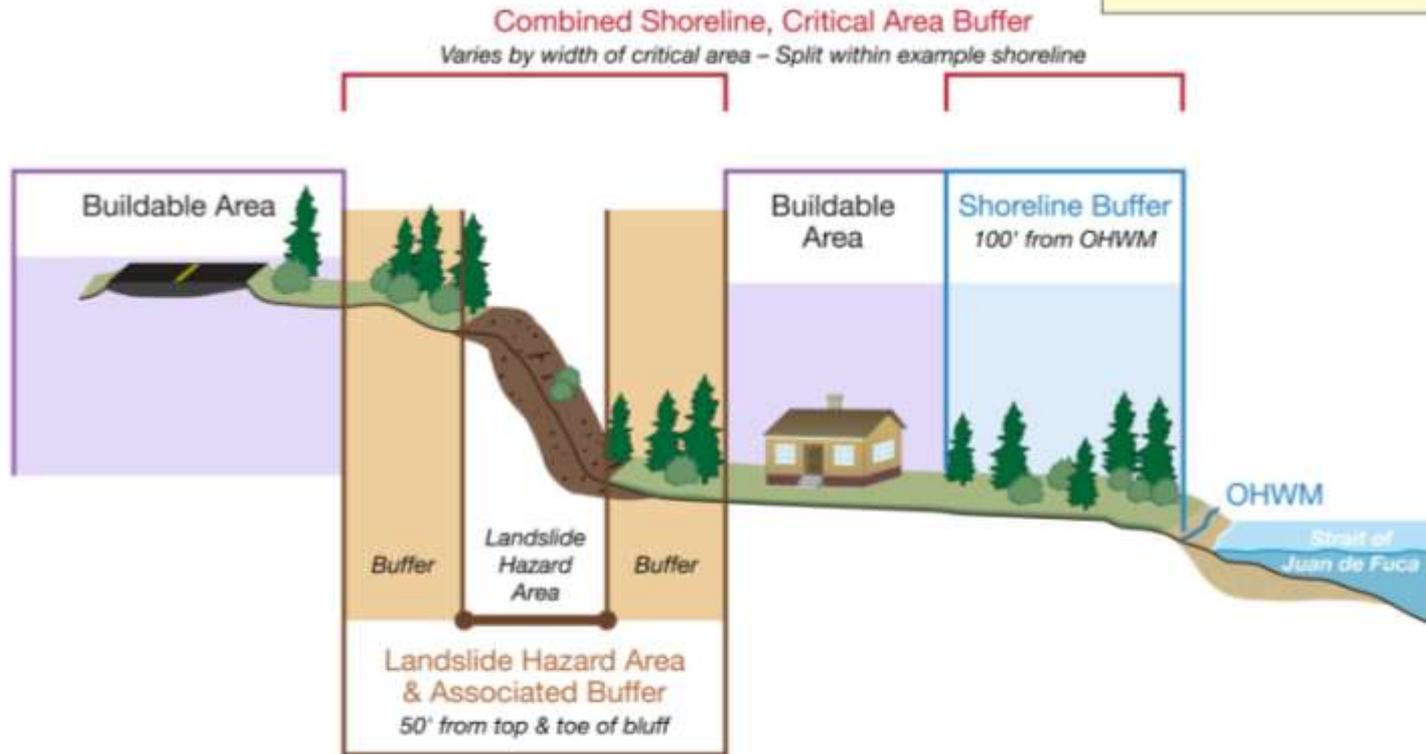
Lowland / Estuary
Shoreline / Critical Area Buffers

Critical Areas include:
- Wetlands

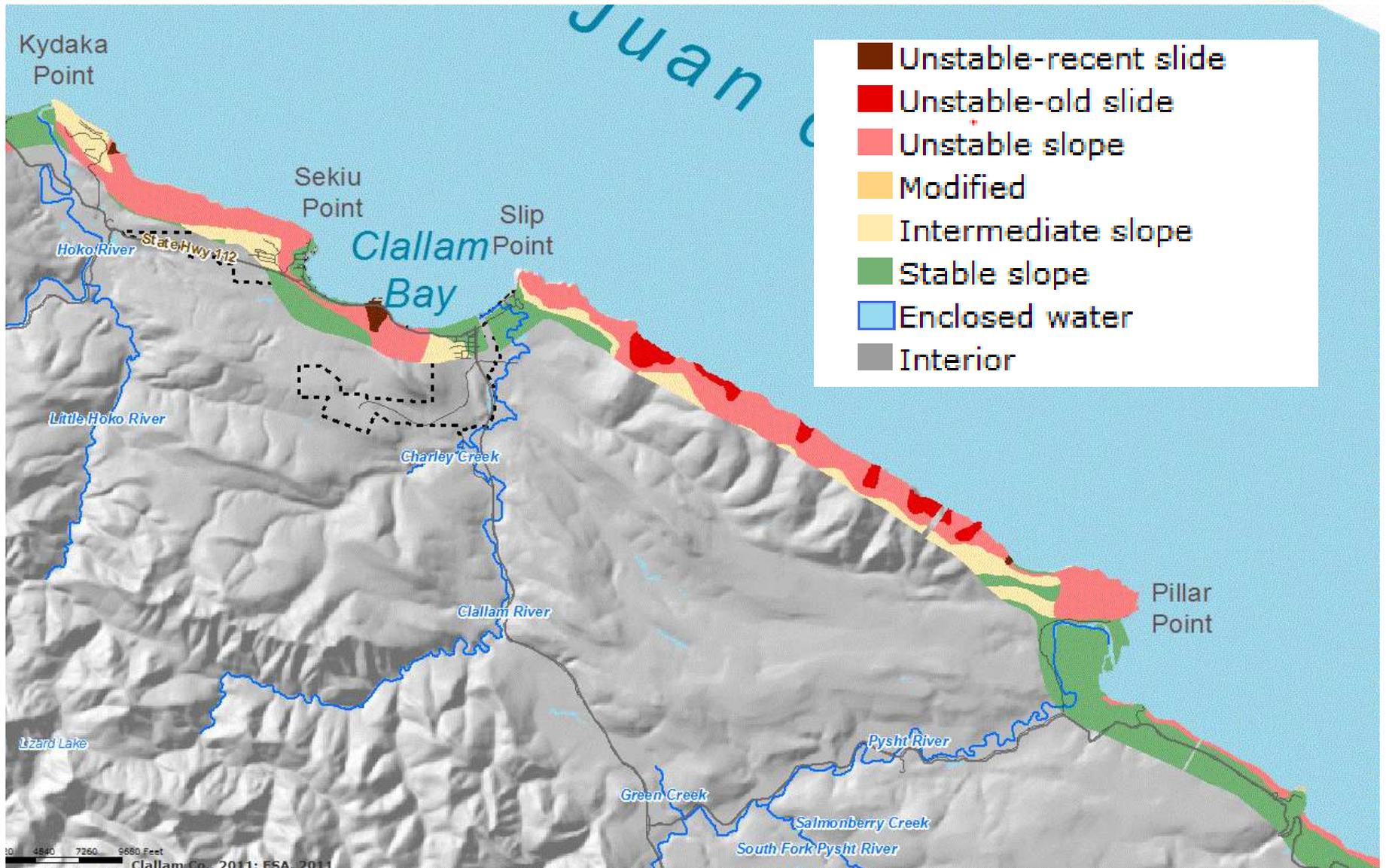Wetland buffer may be reduced or averaged; See Section 4.3.5
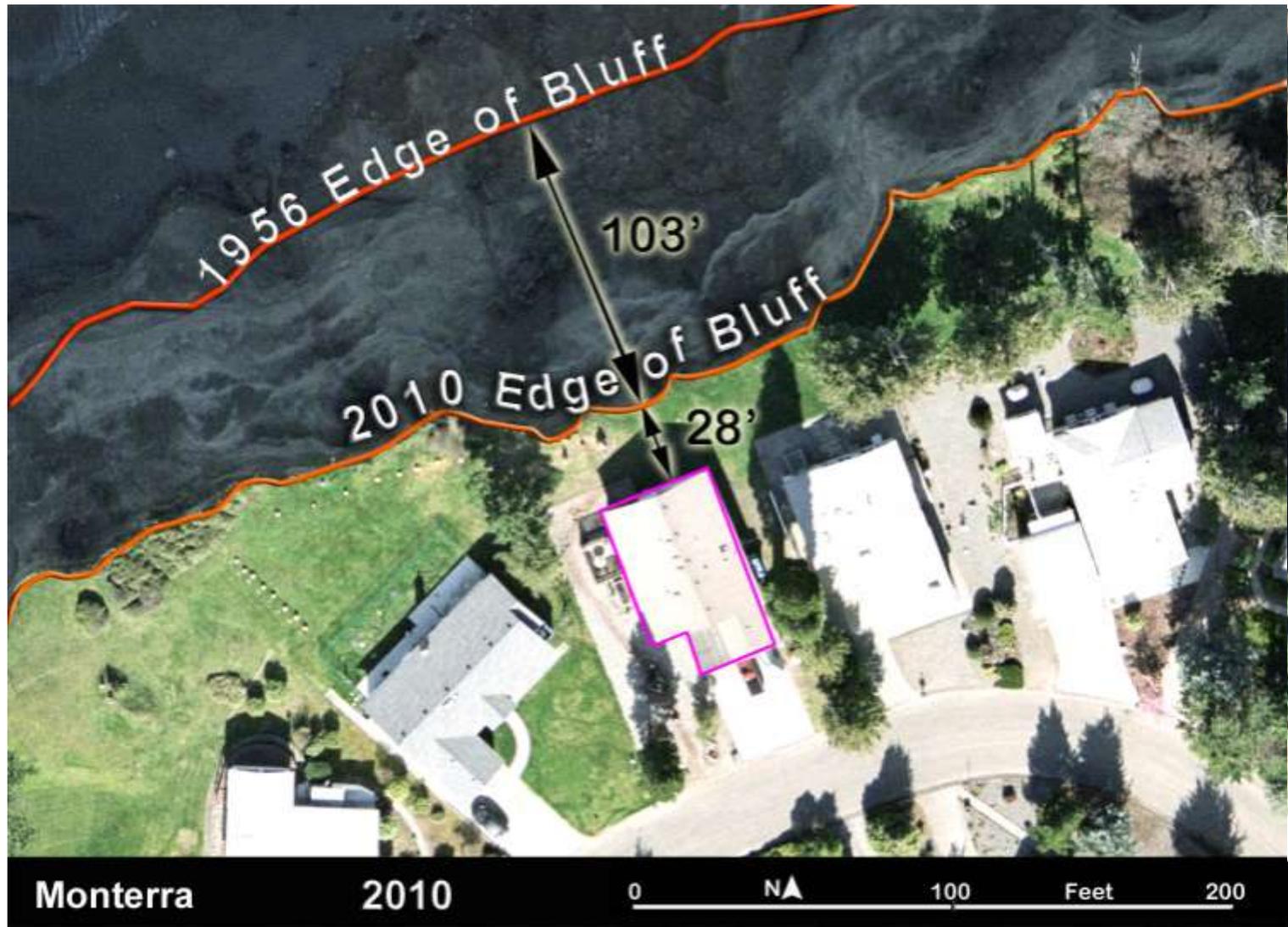
Combined Shoreline, Critical Area Buffer
Varies by width and category of critical area

Buildable Area

Shoreline Buffer
175' from OHWM

OHWM

Strait of Juan de Fuca

Buffer

50' to 200'

Wetland

Buffer

Wetland & Associated Buffer
Buffer varies depending on wetland category

Modified Lowland
Shoreline / Critical Area Buffers

Combined Shoreline, Critical Area Buffer
50' (Same as shoreline buffer, as no
other critical areas in example)

Shoreline
Buffer
50' from
OHWM

Buildable Area

No Critical Areas associated
with shoreline in example

OHWM

Strait of Juan de Fuca

Legend:
- Unstable-recent slide
- Unstable-old slide
- Unstable slope
- Modified
- Intermediate slope
- Stable slope
- Enclosed water
- Interior
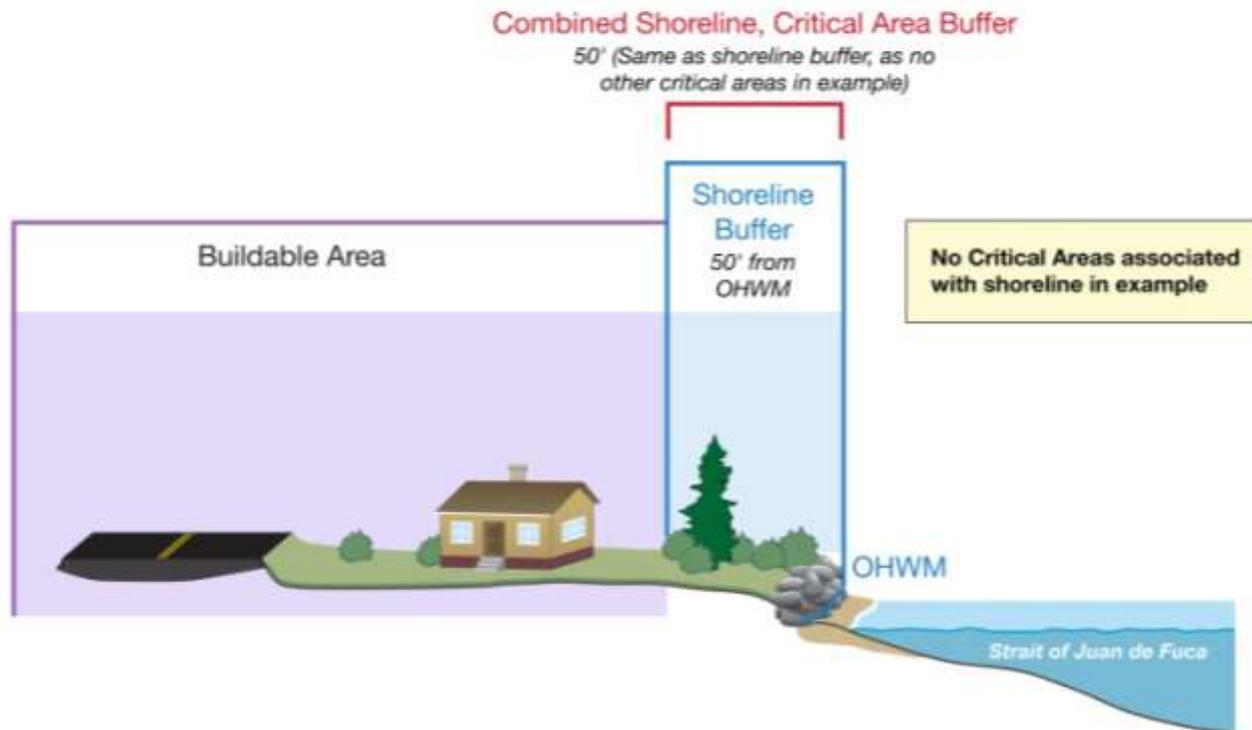
Why increase the buffers?

Why increase marine buffers?

Existing buffers/setbacks – Rivers and Lakes

- Existing lots on rivers & lakes:
  - 35 to 150 ft from ordinary high water mark (depends on existing designation)
  - 50 ft from top edge of bluff in landslide hazard areas (can be reduced with geotechnical study)
  - Limits on development within channel migration zones
- New lots require a 150 ft buffer

Proposed buffers – Rivers and Lakes

- Overlapping buffers:
  - Buffer from ordinary high water line = 50 to 175 ft depending on designation
  - Buffer from edge of critical areas, if present
    - landslide hazards
    - channel migration zones

Freshwater Natural
Shoreline / Critical Area Buffers
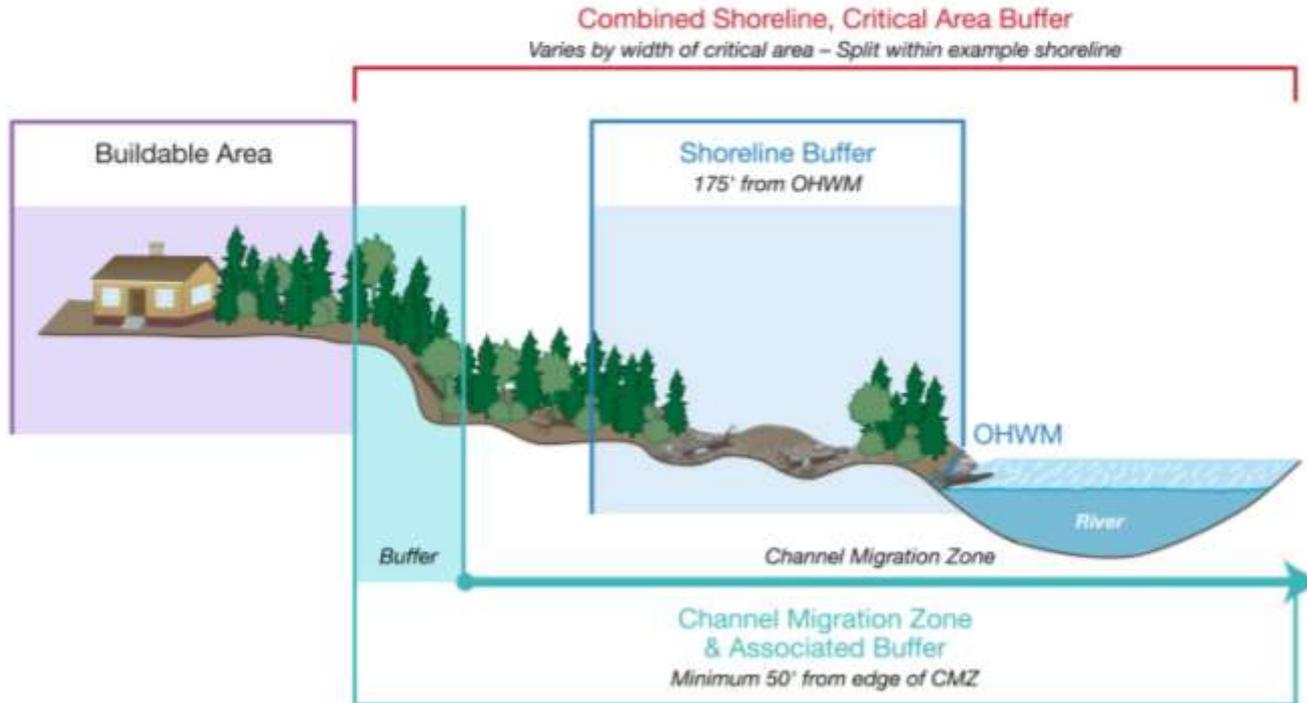
Combined Shoreline, Critical Area Buffer
175' (Same as shoreline buffer, as no other critical areas in example)

Buildable Area

Shoreline Buffer
175' from OHWM

No Critical Areas associated with shoreline in example

OHWM

River or Lake
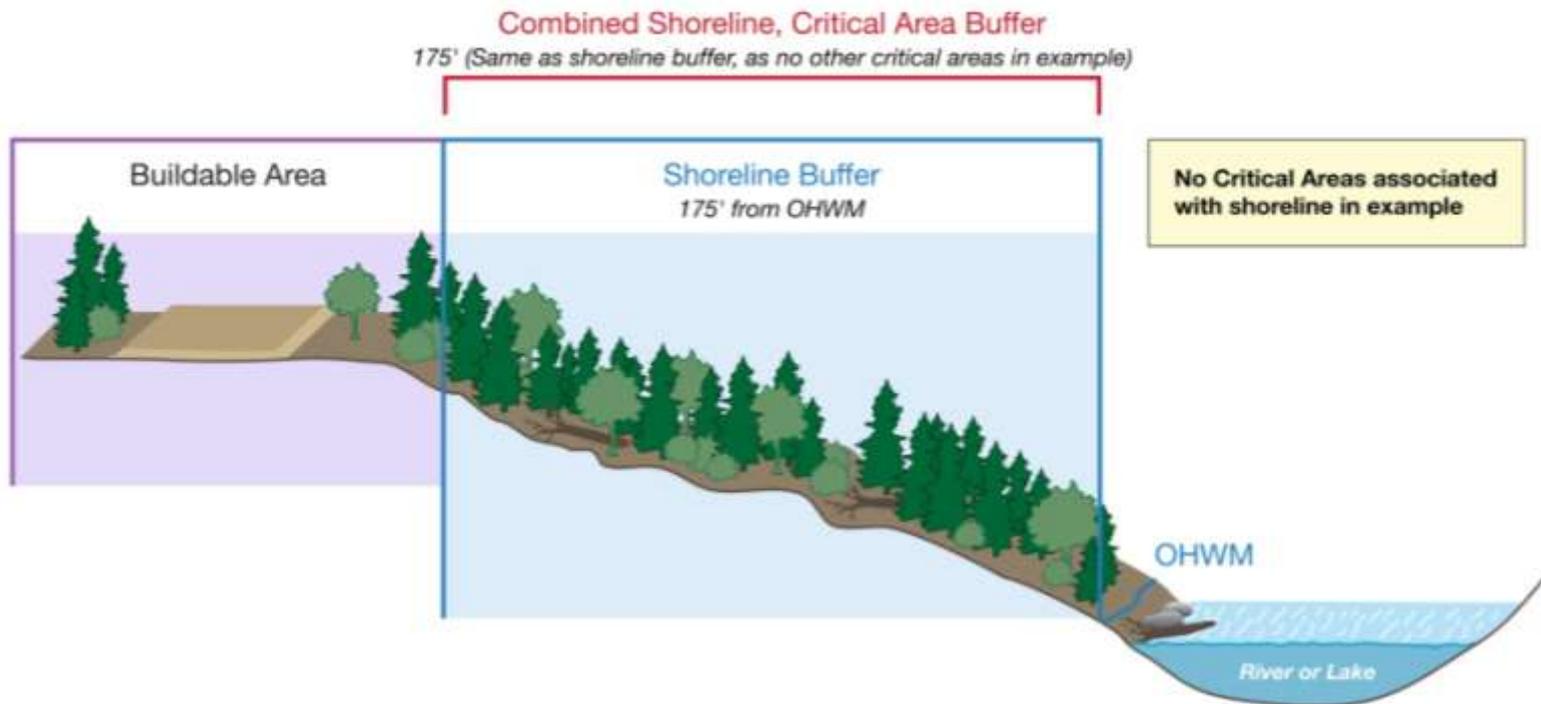
Freshwater Resource
Shoreline / Critical Area Buffers
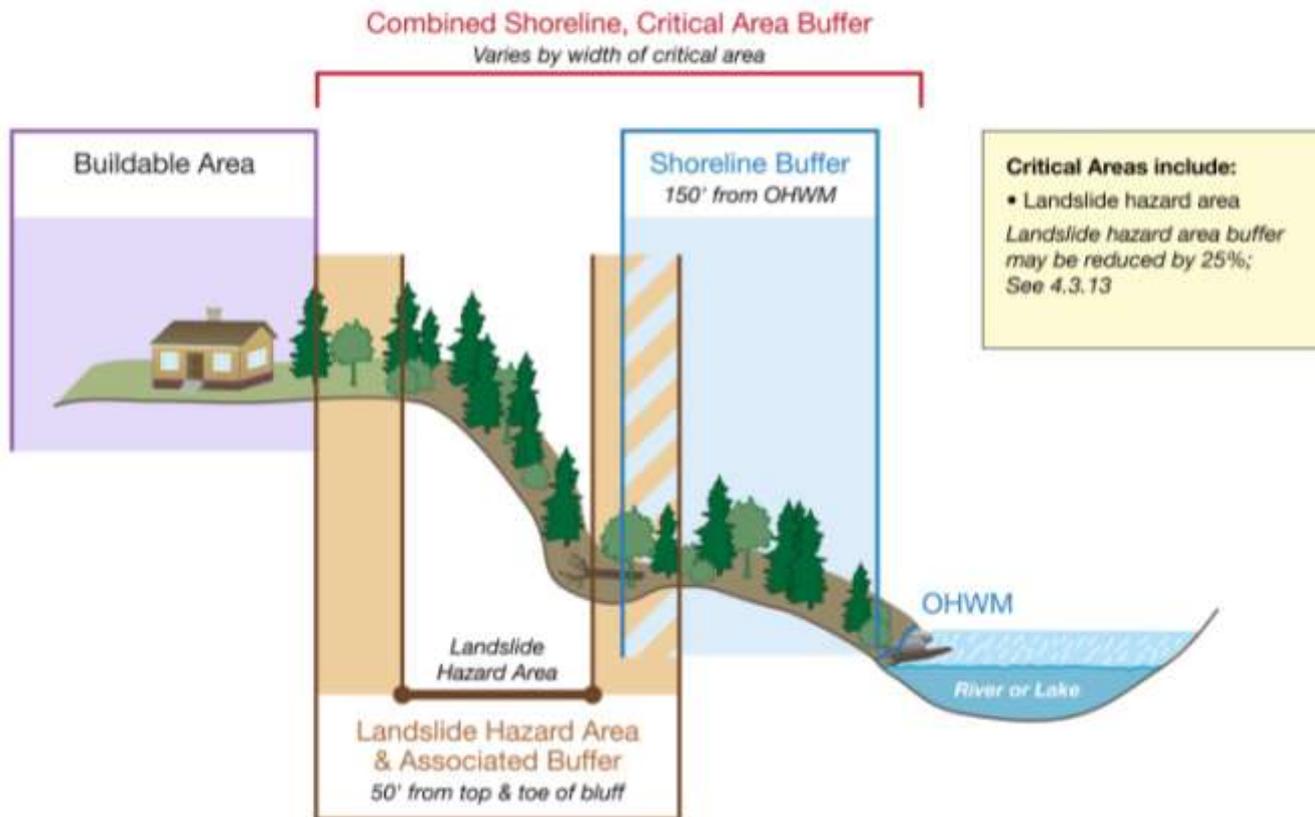
Freshwater Conservancy
Shoreline / Critical Area Buffers

Critical Areas include:
- Channel migration zone (CMZ)

CMZ may be reduced; See 4.2.4

Combined Shoreline, Critical Area Buffer
Varies by width of critical area – Split within example shoreline

Buildable Area

Shoreline Buffer
175' from OHWM

OHWM

River

Buffer

Channel Migration Zone

Channel Migration Zone & Associated Buffer
Minimum 50' from edge of CMZ

Freshwater Residential
Shoreline / Critical Area Buffers

Combined Shoreline, Critical Area Buffer
50' (Same as shoreline buffer, as no other critical areas in example)

No Critical Areas associated with shoreline in example

Buildable Area

Shoreline Buffer
50' from OHWM

OHWM

River or Lake
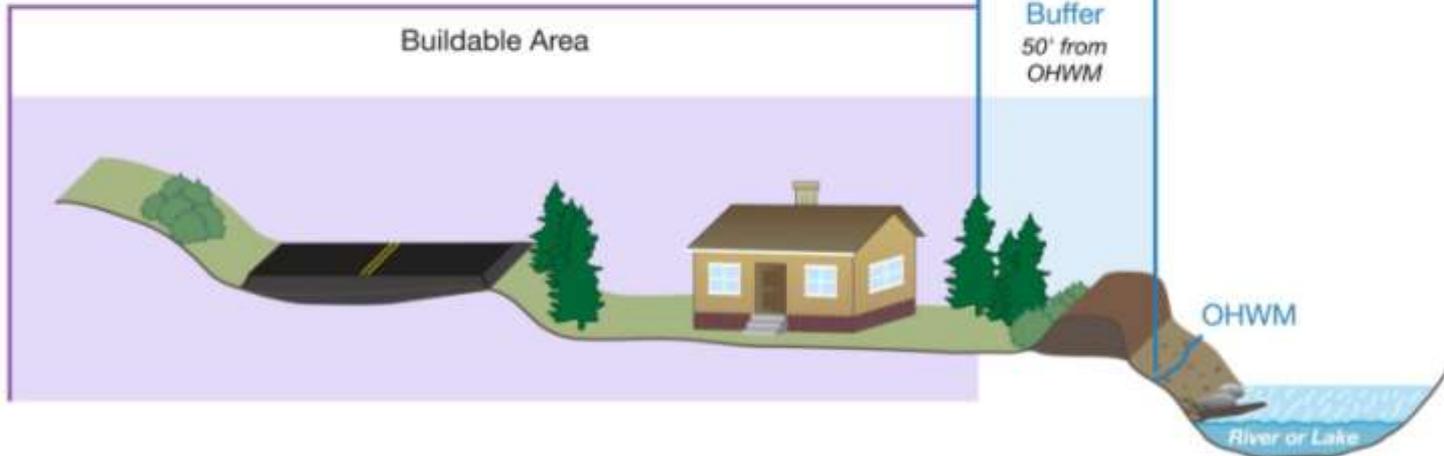
Why increase buffers on rivers?

Randy Johnson photos

Freshwater Residential: Morse Creek

Morse Creek

50 ft

Buffer

Floodplain

Morse Creek

Potential Channel Migration Zone

Morse Creek

House Footprint
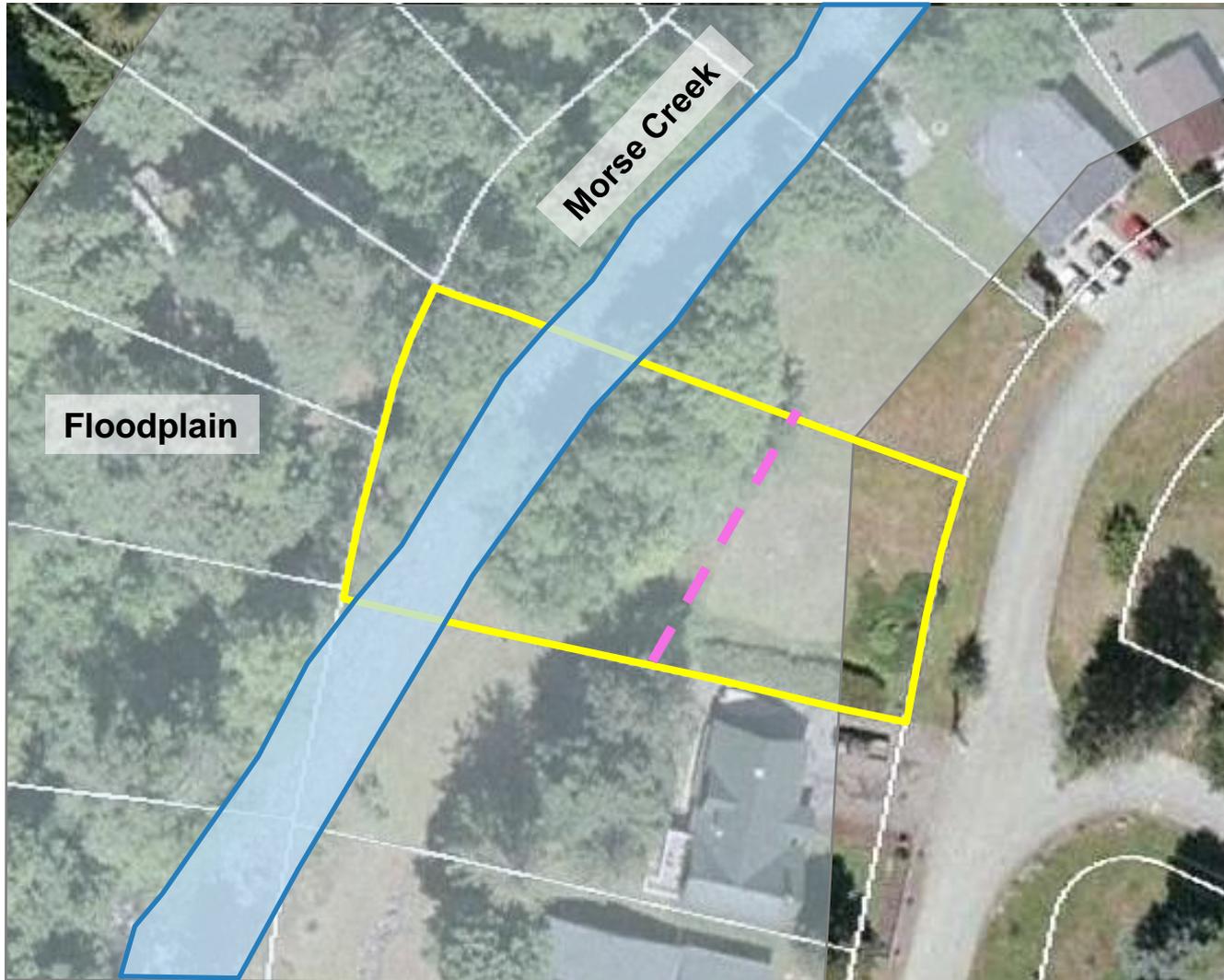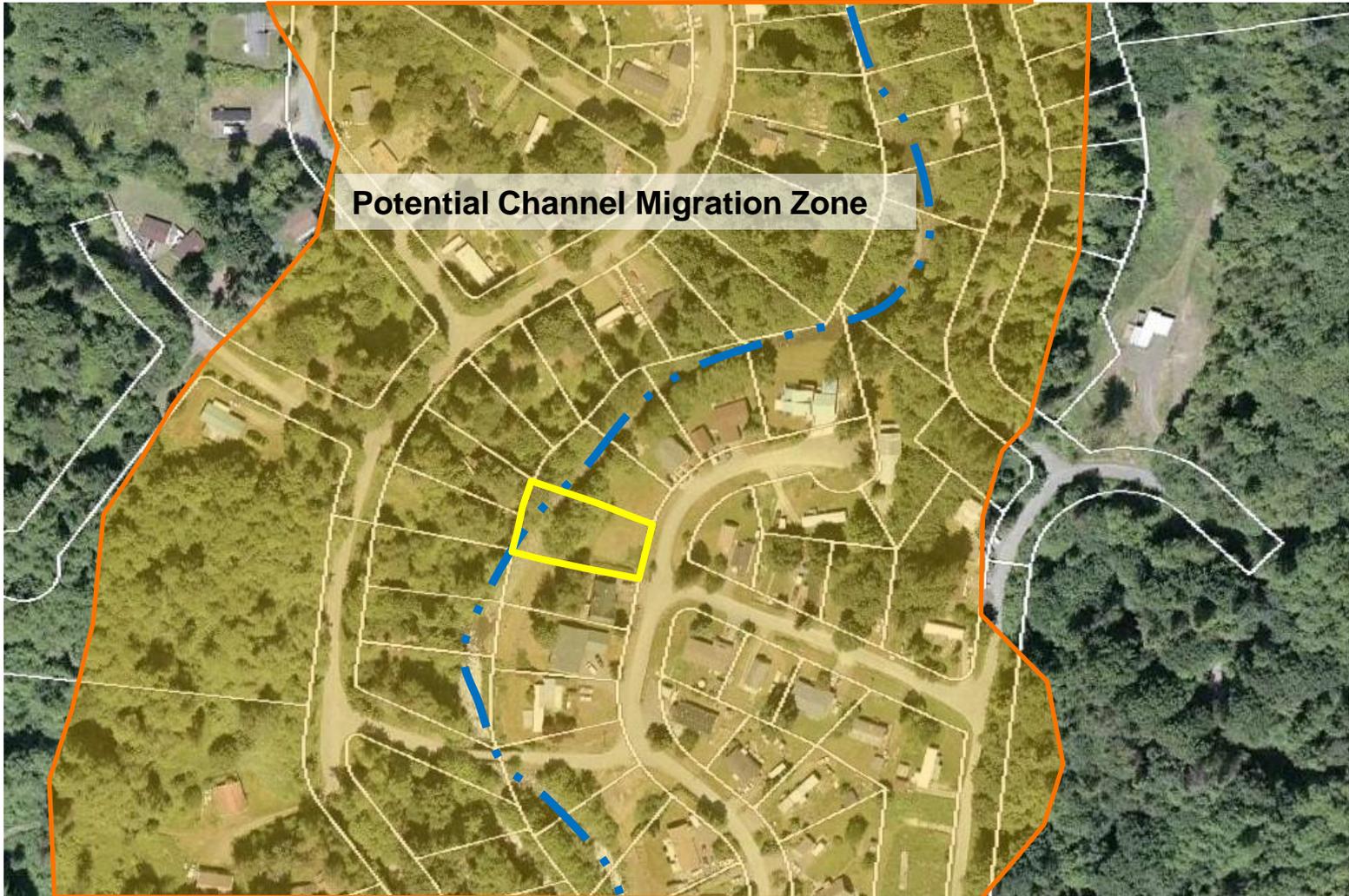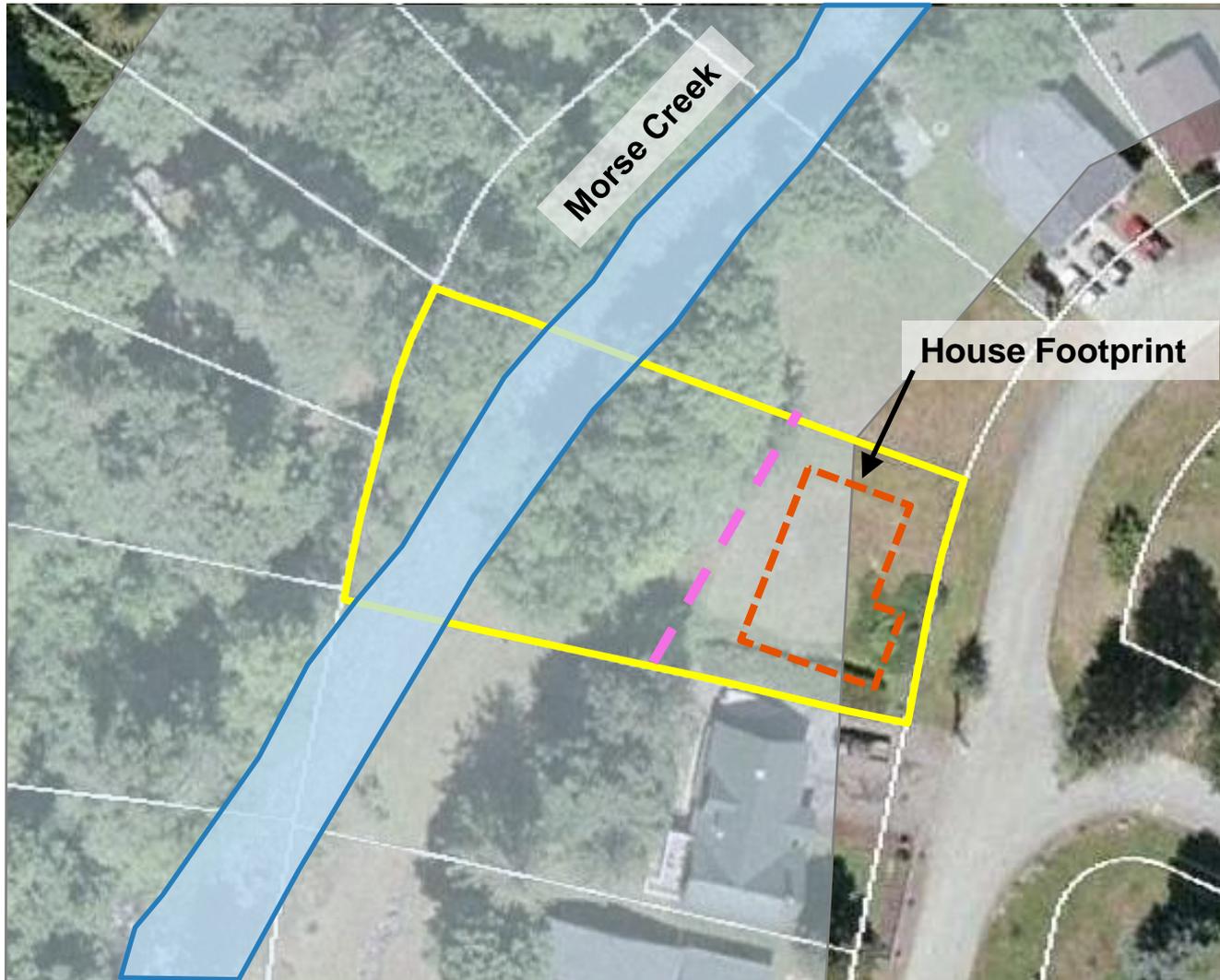
¾ acre lot, 1,700 SF footprint

Summary

- Structure within CMZ, geotechnical study required

- Home requires a Statement of Exemption: no mitigation needed

- No additional vegetation conservation required

- Development within the floodplain – no additional requirements

- TESC Plan and Compliance with Small Project Drainage Manual required

Priority Feeder Bluff: Dungeness Bluffs

175 ft Shoreline Buffer

150 ft Landslide Hazard Buffer

House Footprint

1.2 acre lot, 5,000 SF footprint

Summary

- Development complies with buffer requirements; home is outside of SMP jurisdiction

- No geotechnical studies or mitigation required

- No additional vegetation requirements

Priority Feeder Bluff: Dungeness Bluffs

Gehrke Road

175 ft Shoreline Buffer

150 ft Landslide Hazard Buffer

Common-Line Setback
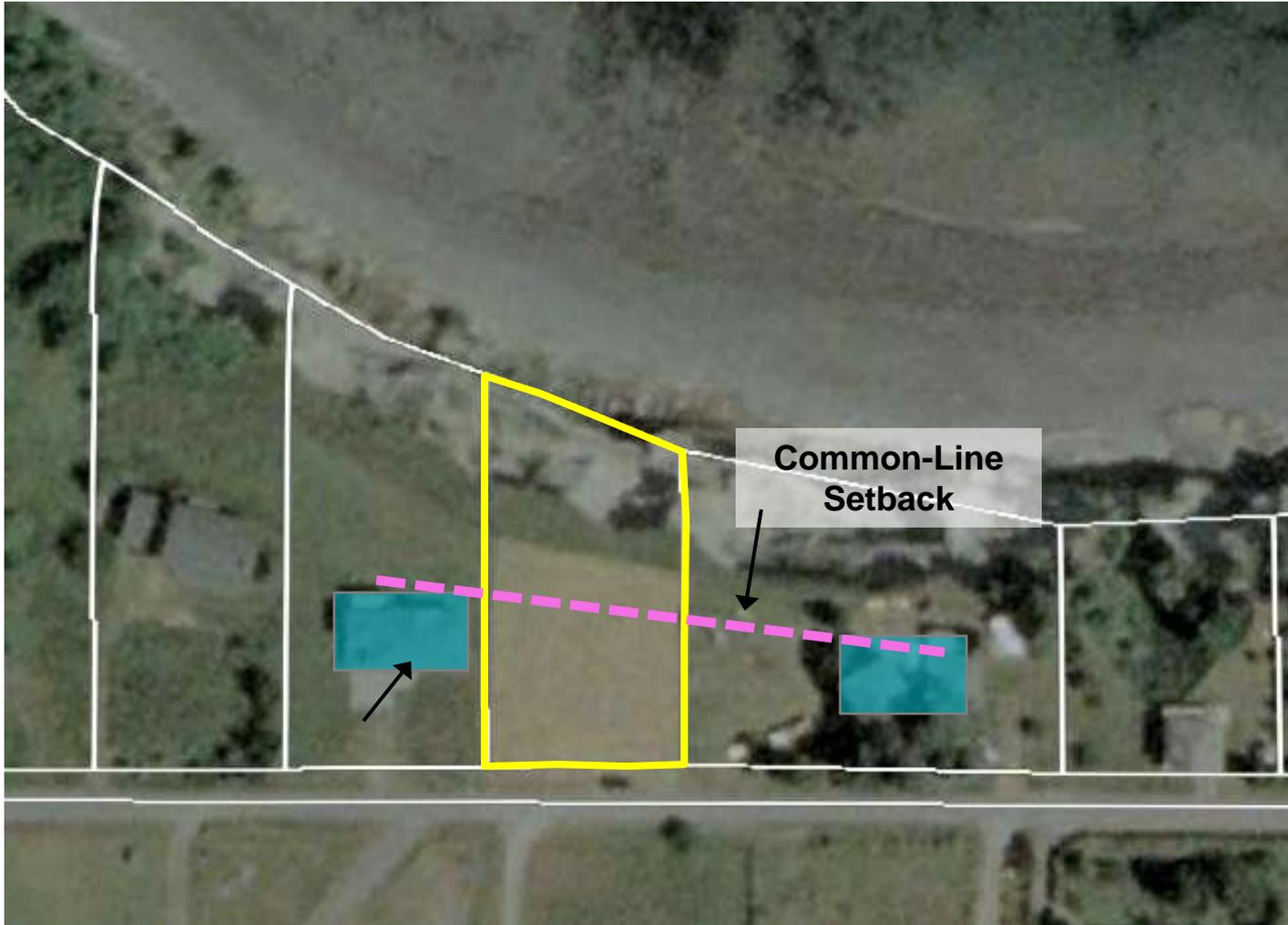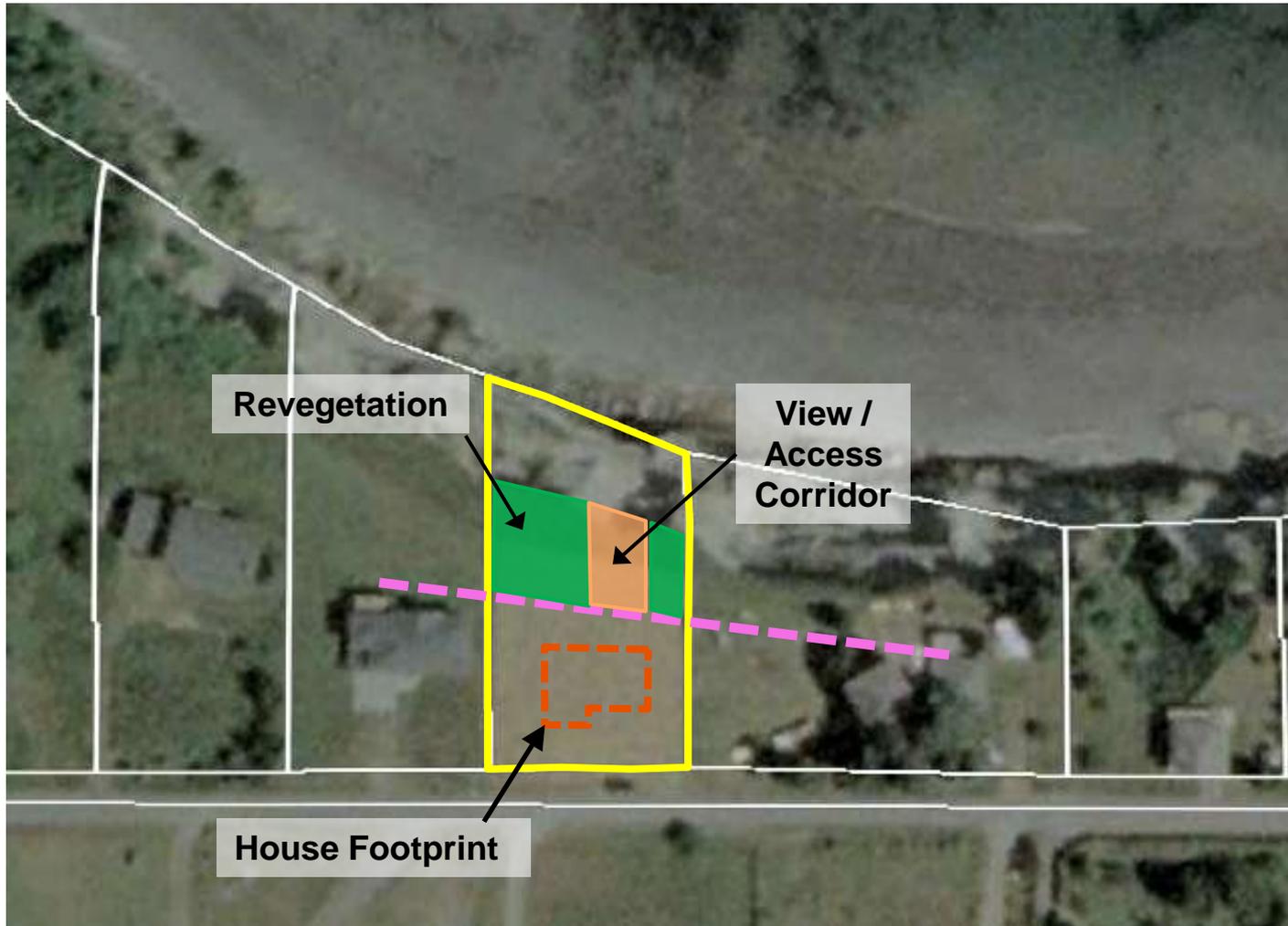
0.5 acre lot, 2,200 SF footprint

Summary

- Common-line setback used to determine buffer width

- Geotechnical study required

- Mitigation (revegetation) required within buffer area, with allowance for a view corridor

- Building envelope limited to 2,500 SF

- TESC and compliance with Small Project Drainage Manual required

Freshwater Residential: Lake Sutherland

50' Buffer
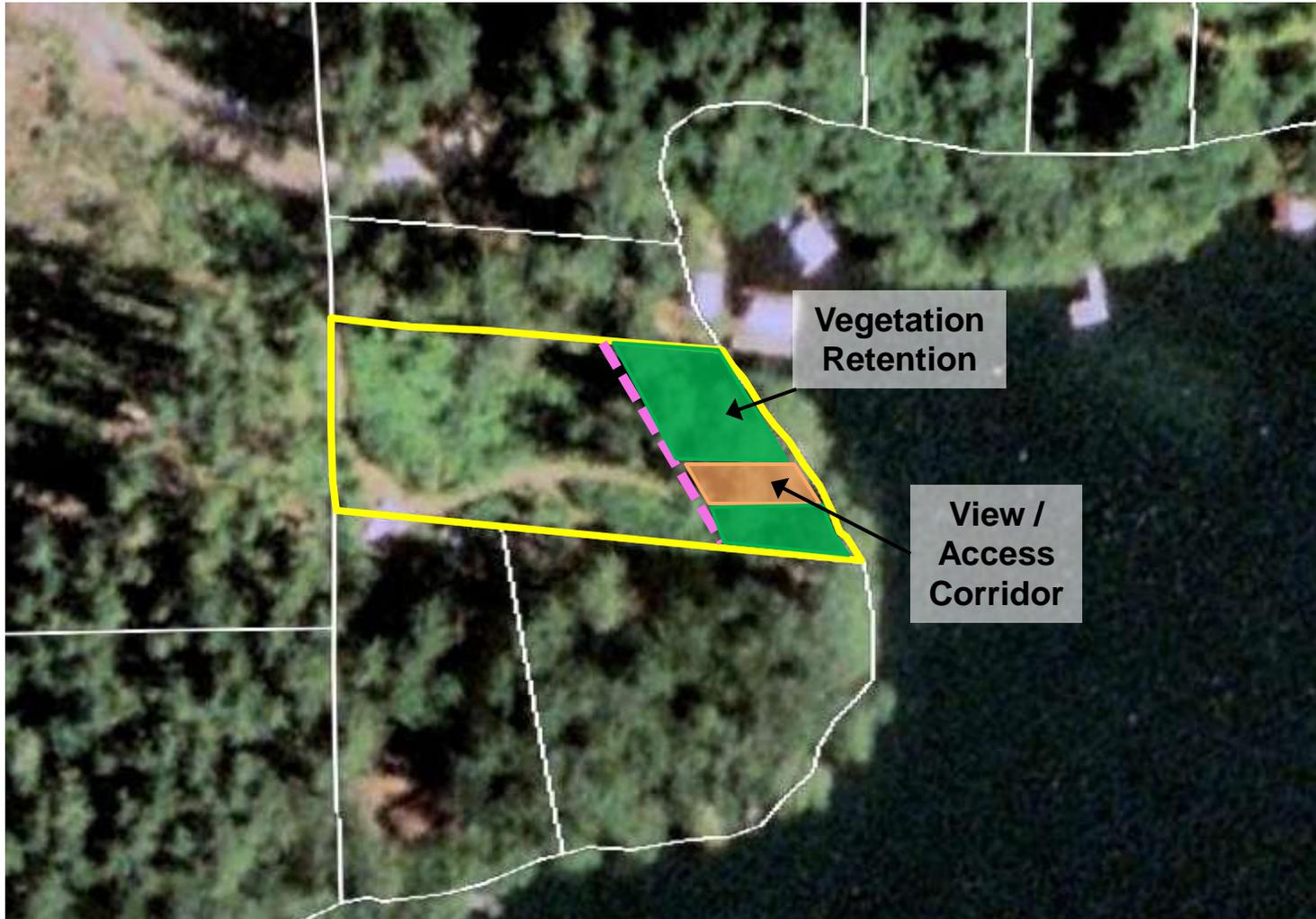
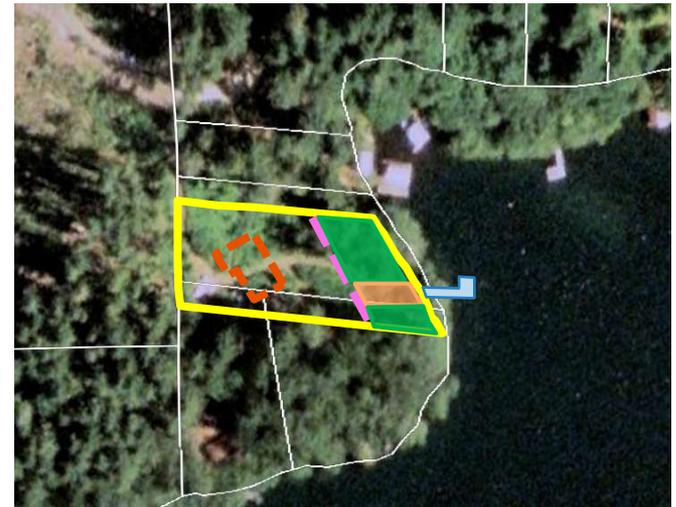**Vegetation Retention**

View / Access Corridor
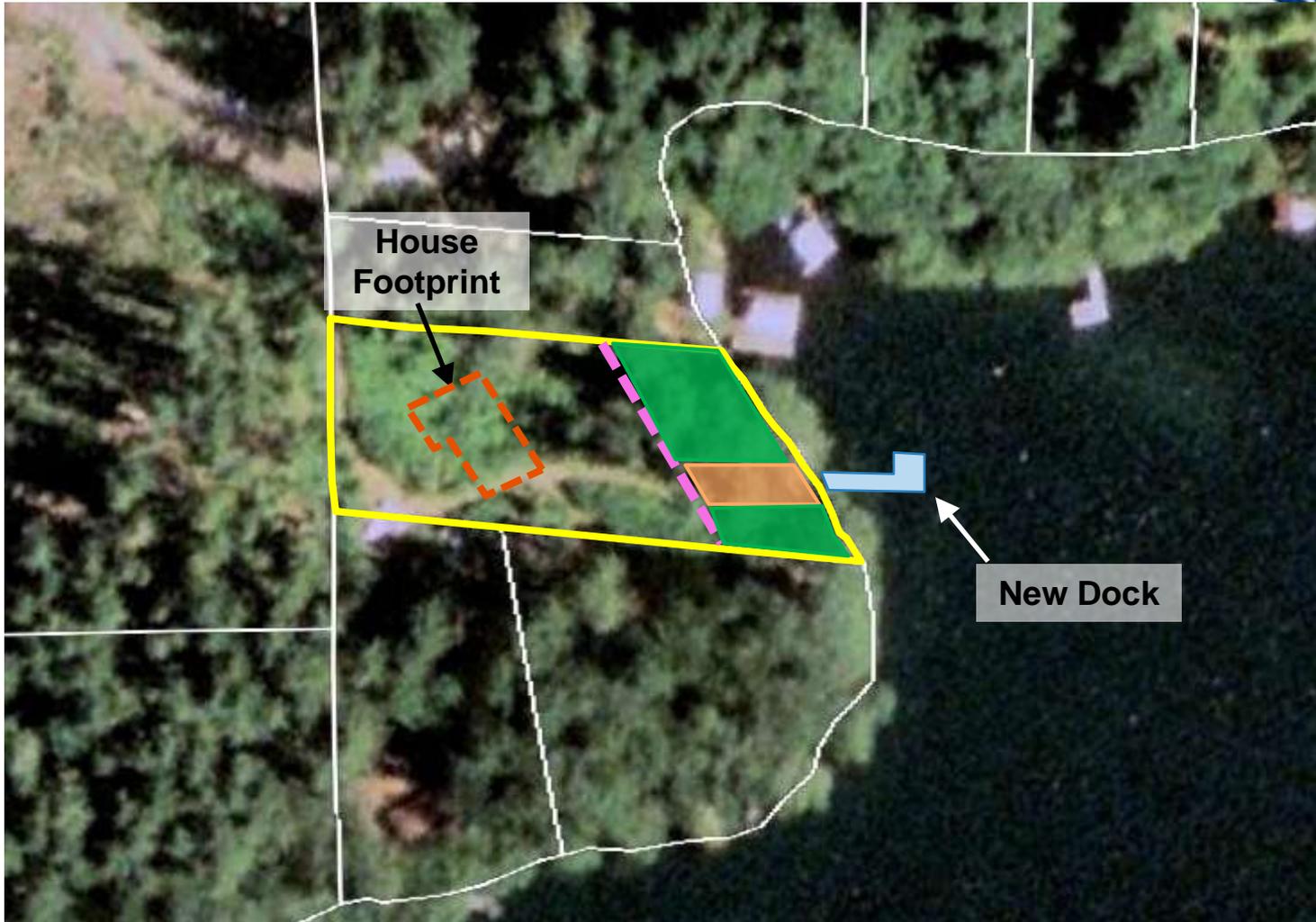
¾ acre lot, 2,100 SF footprint

Summary

- Shoreline vegetation is retained, with allowance for a view / access corridor

- Home is oriented to avoid removal of large trees

- Dock requires a shoreline permit if FMV exceeds $10,000 and probably an HPA from WDFW

- TESC and Compliance with Small Project Drainage Manual required

Armoring is only allowed when needed to:

- protect existing homes

- accommodate water dependent uses

- accommodate restoration efforts

Armoring is not allowed in some Designations:

- Priority Feeder Bluffs
- Lowland Estuary
- FW Natural
- FW Resource

Aquaculture

- Rapidly evolving area of science and policy
- Rules are different for bottom culture, hanging aquaculture, fin fish etc.
- Commercial geoduck harvest requires a conditional use permit, per state rules
- Net pens would require a conditional use permit

Existing developments are still "grandfathered"

- If damage is < 50% replacement cost, can rebuild " as is"
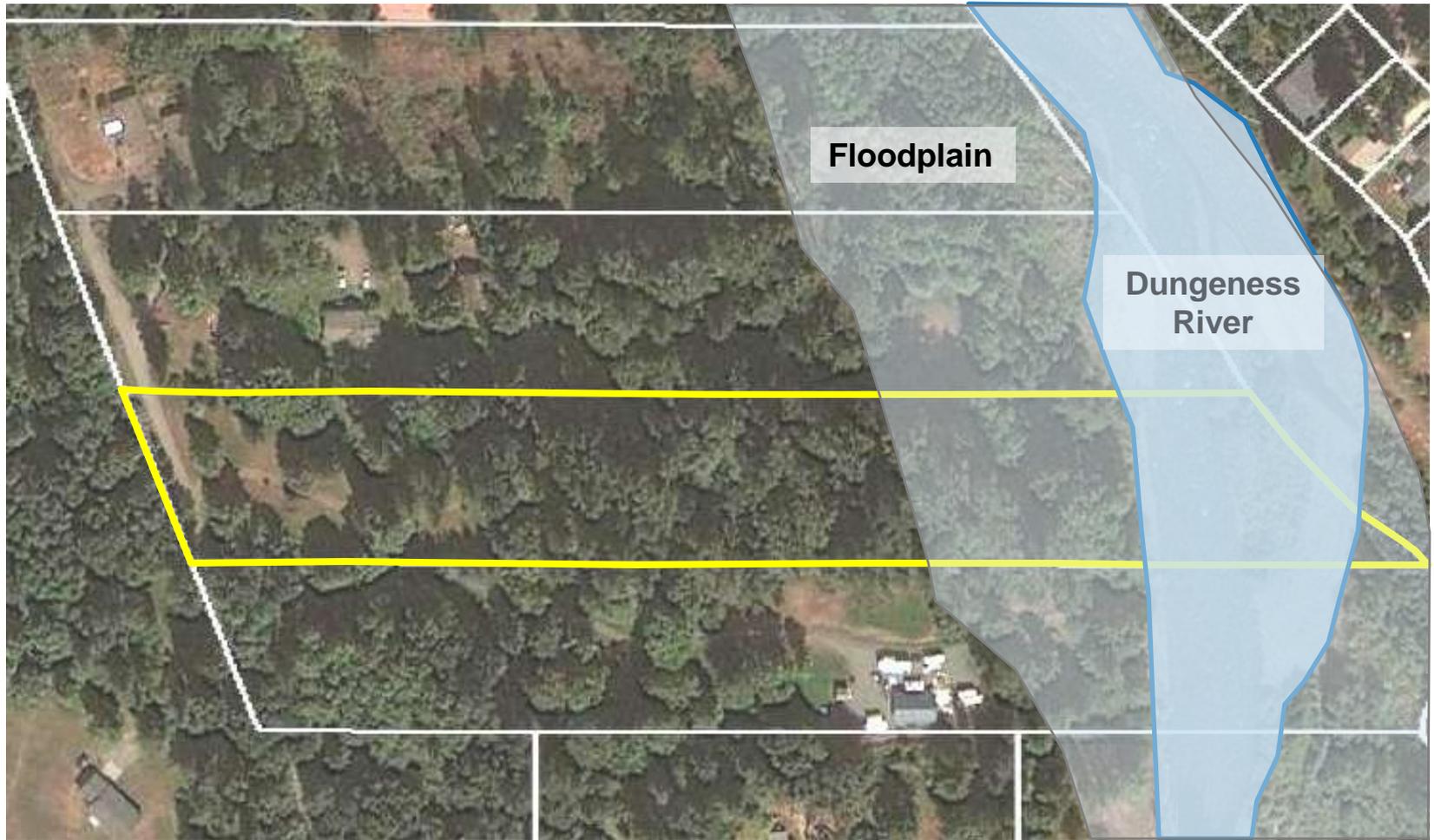- If damage > 50%, rebuild must conform to new rules
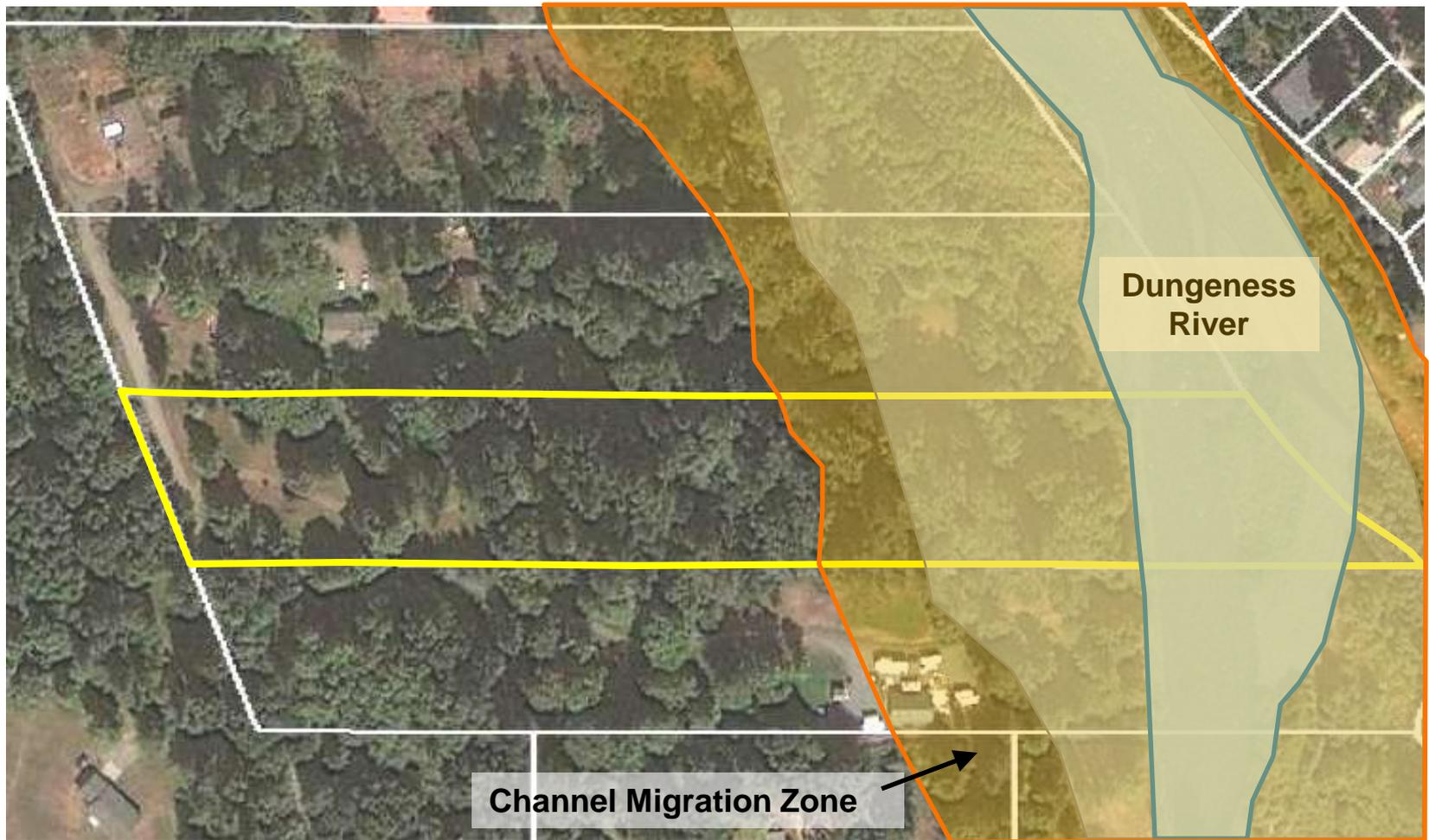- Same as current zoning code

What happens next?

- Revise draft SMP based on committee & public comment

- Prepare Restoration Plan, Cumulative Impact Assessment and No Net Loss report

- Planning Commission work sessions

- Hold public hearings

- Send to County Commissions for review and hearings

- Ecology review (hearings, then approval)

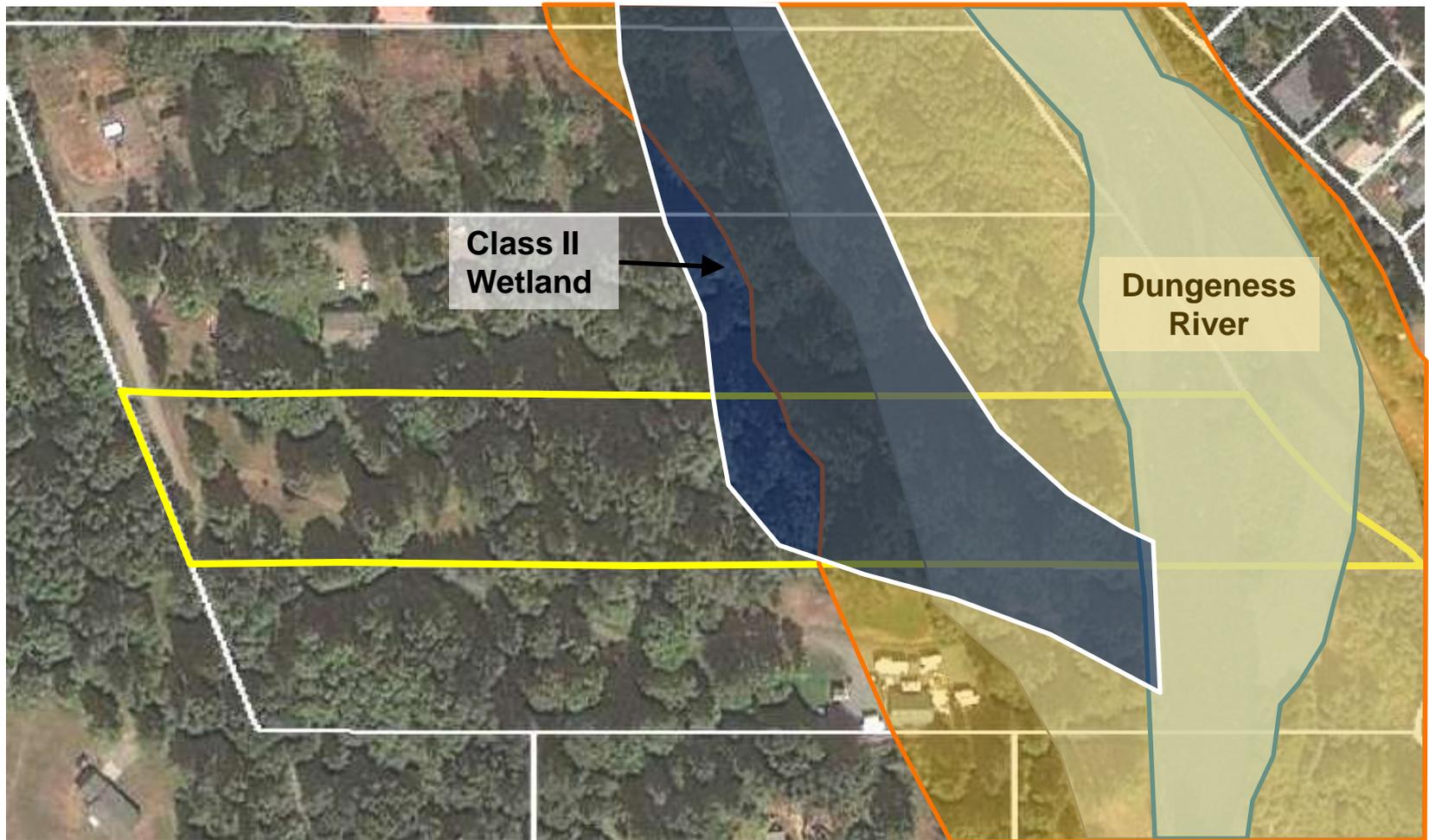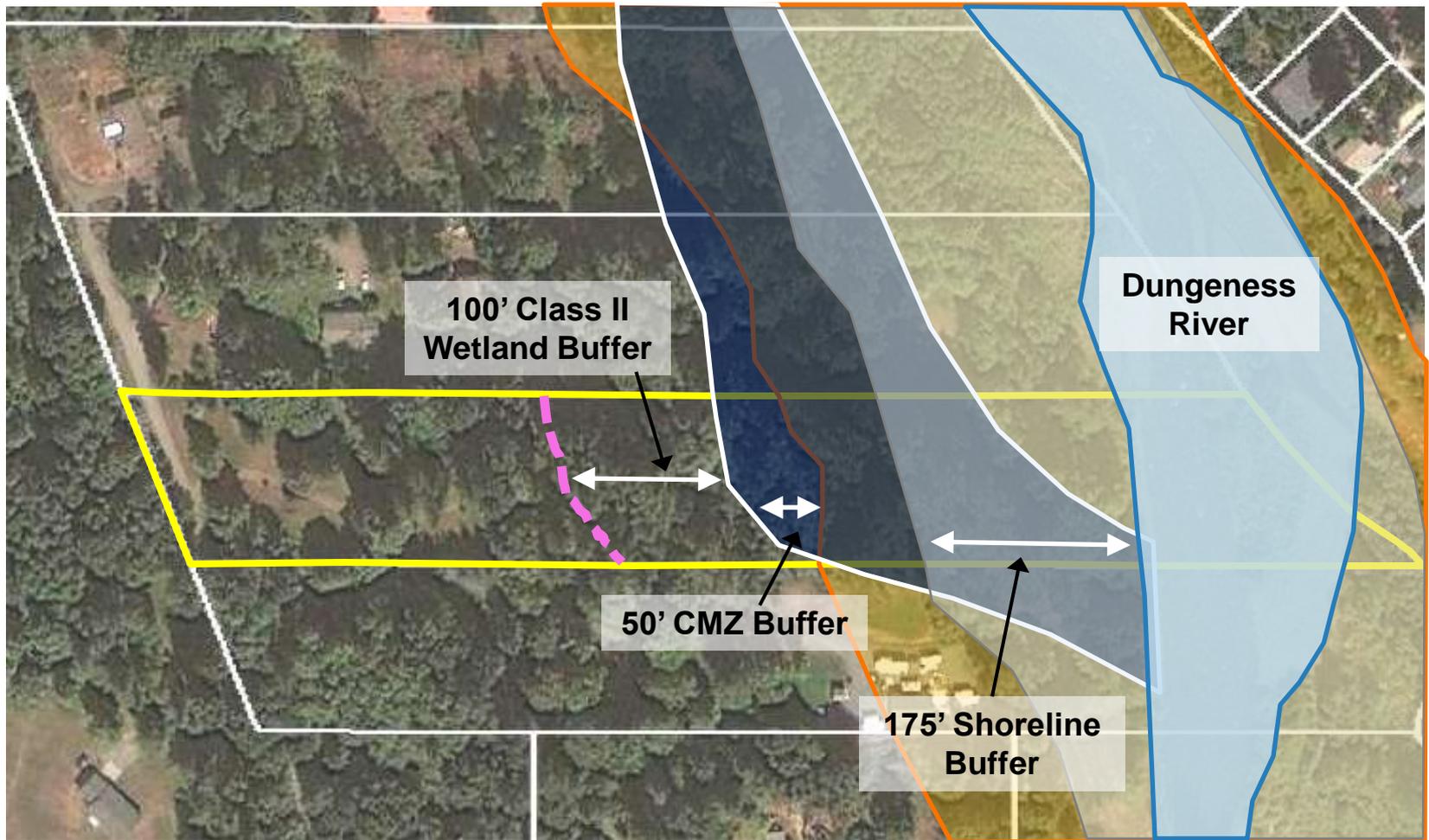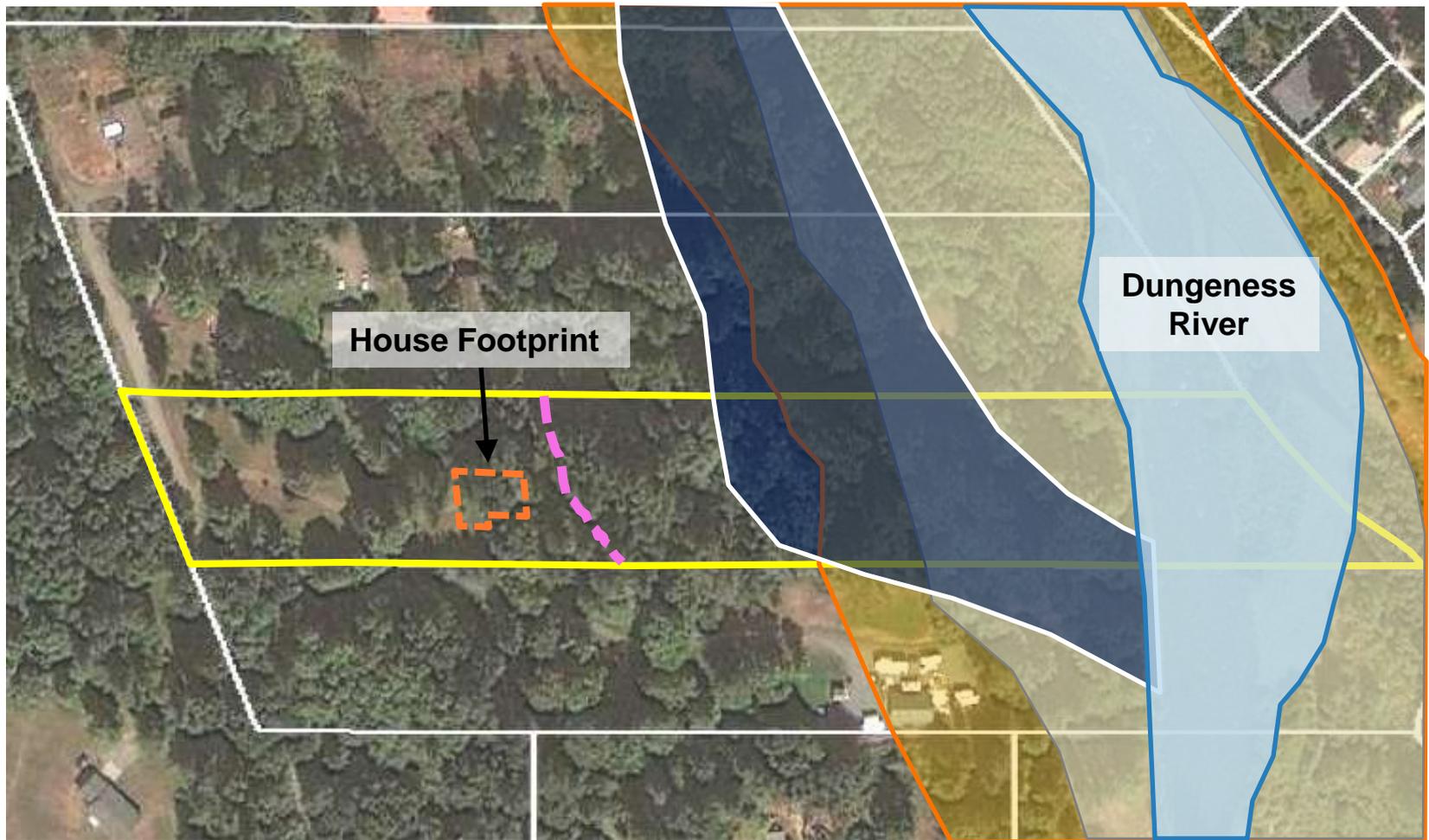# Freshwater Conservancy: Dungeness River

Floodplain

Dungeness River

Dungeness River

Channel Migration Zone

Class II Wetland

Dungeness River

100' Class II Wetland Buffer

Dungeness River

50' CMZ Buffer

175' Shoreline Buffer

House Footprint

Dungeness River

Summary

- Structure located outside of floodplain and CMZ and wetland buffers, and is over 200 feet from the shoreline

- Project is located outside of SMP jurisdiction, only a County building permit is needed