

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Thursday, September 22, 2011 2:13 PM
To: zSMP; Marv Chastain; Sue Forde
Cc: Jo Anne Estes; Lois Perry; Sandy Collins
Subject: SHORELINE RESIDENTS SWAMPED BY REGULATIONS

I submit the following article as my comment for the SMP Update

This article is Available on Citizen's Review for Clallam County

This website covers current issues affecting the people in Clallam County, WA,

Pearl Rains Hewett Trustee

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Invited SMP Advisory Committee Member

SHORELINE RESIDENTS SWAMPED BY REGULATIONS

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Aaron Laing

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Storm-water runoff from public roads and highways is the single largest source of contamination to lakes, streams, rivers and the Puget Sound. Municipal wastewater is a close second, as large rain events often result in sewage overflowing into our waterways.

Current regulatory efforts, however, put an undue burden on shoreline property owners to solve a problem that is almost entirely not of their making. To restore the health of the Puget Sound, regulatory efforts need to focus first and foremost on the primary sources of pollutants. While shoreline regulations play a role, burdensome, complex regulations will undermine restoration efforts and divert funding away from much-needed upgrades to regional storm-water treatment facilities.

The state's Shoreline Management Act of 1971 requires cities and counties to work with the Department of Ecology to develop shoreline master programs (SMPs) to regulate the use of shorelines within their boundaries. Under the law, local governments must update their SMPs according to the schedule set by the Legislature. Many Puget Sound jurisdictions either recently completed or are in the process of completing these updates. The

ostensible purpose of the SMP update is to ensure that shorelines have adequate protection **based on the best available science**. Unfortunately, the result has been the preparation and, in some cases, adoption of arcane, phone-book-sized regulations that do little to address water quality issues.

For example, Bellevue's draft SMP is about 350 pages long and would effectively render much of the existing development on the shores of Lake Washington, Lake Sammamish, Phantom Lake and Bellevue's many streams nonconforming. That is, many existing homes and landscaping would be prohibited under the new code. Depending on the scope of repairs or improvements, homeowners could be required to remove landscaping and place deed restrictions on their properties. Even mundane projects could require homeowners to hire expensive consultants and go through a complex permitting process. The effect would be to restrict efforts to maintain existing homes and yards. New construction could be difficult, if not impossible, depending on the site.

The problem with such regulations is threefold.

First, they place a disproportionate responsibility on shoreline property owners to maintain and restore the health of our waters, while **ignoring the largest source of the problem: contaminated storm-water runoff.**

Shoreline properties represent a virtual drop in the bucket when it comes to land area and impervious surface area in the Puget Sound watershed. One need only drive over the Interstate 90 bridge during a rainstorm and observe the storm water discharging directly into Lake Washington to understand the source and scope of the true problem. **Overregulating the shorelines will not solve the problem** of rainwater washing harmful pollutants off of thousands of miles of roads and **millions of acres of upland properties that are not subject to such regulations.**

Second, costly, complex and unreasonable regulations create a disincentive for homeowners to go through the permitting process that might require reasonable mitigation, such as infiltrating storm water from roofs instead of piping it straight into lakes and streams. Even worse, such regulations invite costly litigation. This is wasteful on many levels.

Third, the Legislature acknowledged that restrictions could **affect the fair market value of affected properties.** The act thus requires that county assessors consider the effect of such regulations in making tax assessments. By adopting highly restrictive regulations, the **assessed value of shoreline properties is diminished.** This, in turn, could **reduce tax revenues** needed to upgrade regional wastewater and storm-water facilities. Ironically, highly restrictive shoreline regulations could have the effect of worsening water quality over time.

The Shoreline Management Act does not mandate such results. The law calls for balance. Local governments and the Department of Ecology should be guided by the law's purpose and **avoid adopting onerous**

regulations that do little or nothing to address the key threats to the Puget Sound.

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<http://www.bizjournals.com/seattle/print-edition/2011/09/09/shoreline-residents-swamped-by.html?page=all>