

Merrill, Hannah

From: on behalf of zSMP
To: Megan
Subject: RE: Comments on latest draft of the Clallam SMP

-----Original Message-----

From: Megan [REDACTED]
Sent: Monday, May 21, 2012 12:31 PM
To: zSMP
Subject: Comments on latest draft of the Clallam SMP

Hello,

Here are my comments for the latest draft of the Clallam SMP. There are many small edits that can be made to improve the document.

Sincerely,
Megan Black

[REDACTED]
Sequim, WA 98382
[REDACTED]

Clallam SMP comments: 27 April, 2012

Megan Black

Sequim, WA 98382

I foremost wish to thank you for the hard work you all have put in thinking though the relevant issues. I've found several aspects of the document that require tweaking and have included an extensive list of edits for you to consider.

The overall concern I have is that you are in fact taking future uses away from private land holders without clearly acknowledging doing so. It would strengthen the plan to add a section underscoring the reasoning behind doing so. For example, this plan classifies our family's undeveloped shoreland as lowland estuary and places an extraordinary setback requirement upon it that makes it impossible to build anything. If we had chosen to develop it many years ago its ecological functions would have been lost. Because we have done an excellent job protecting this ecological function for over half a century, the county should therefore be obligated to take the historical uses for which we have protected the land into consideration. The shoreline master program language should acknowledge land owners who have protected the ecological functions of their land. Furthermore, the language should provide direction to future county staff to consider our track record of good stewardship decisions when considering future proposals. (afterall, we are more familiar with our land than any county official could be)

The list of specific edits to consider follow:

5.3.2 Aquaculture policies

5. Commercial aquaculture operations that propagate non-native fish and shellfish species should be discouraged unless these operations are conducted in upland systems, fully self-contained aquatic systems, or have been shown to present no risk of escapement, disease transmission, or waste-related environmental impacts.

While I agree in principal with this idea, the genie is already out of the bottle here. The Pacific Oyster, and the Manila clam are both non-native shellfish, widely cultivated and have already spread. Perhaps you should substitute: "newly introduced non-native fish and shellfish species".

5.3.3

3. Ongoing maintenance, harvest, replanting, restocking of, or changing the species cultivated in any existing or permitted aquaculture operation is not considered new use/development, and shall not require a new permit, unless or until:

a. The physical extent of the facility or farm is expanded by more than twenty - five percent (25%) or more than twenty - five percent (25%) of the facility/farm changes operational/cultivation methods compared to the conditions that existed as of the effective date of this Program or any amendment thereto. If the amount of expansion or change in cultivation

method exceeds twenty - five percent (25%) in any ten (10) year period, the entire operation shall be considered new aquaculture and shall be subject to applicable permit requirements of this section; or

b. The facility proposes to cultivate species not previously cultivated in Washington.

This provision is unclear and going to cause uncertainty. If micro algae is to be cultivated in open growth systems then it is likely the *species* will change over time by windborn contamination. Additionally the phrase, 'cultivated in Washington' is troublesome because many things are cultivated in small quantities, but not regularly produced. I am assuming you do not want to rule out the potential of growing algae, a critical potential source of fungible fuel, as well as bioremediation of our waterways and air quality. Therefore I suggest you change the wording to say: **"b. The facility proposes to cultivate non-native or species not regularly cultivated in Washington"**

5.5.7 Mooring buoys

a. Will be located to avoid eelgrass beds and other valuable aquatic and nearshore habitat areas; and

This is totally impractical. There is no way to have a mooring buoy and not have it be in an eelgrass or macroalgae bed. Furthermore, the macroalgae is going to colonize the anchor/buoy line substrate in a matter of months. The eelgrass in our area moves from year to year with the erratic movement of sand in winter storms. There is no practical placement outside the nearshore habitat area because of the precipitous increase of water depth beyond the 'habitat area'. This provision should be deleted.

4. Mooring buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other WDNR-approved designs that have minimal adverse effects on aquatic ecosystems and fish.

The WDNR-approved design for helical anchors do not work in the Strait of Juan de Fuca rocky cobble environment. The significant beach remodeling that occurs during winter storms often changes the height of the beach by several feet. Helical anchors are easily ripped out when the large waves events occur at low tide. This language is prescriptive when it is best left flexible. Particularly when DNR still needs to come up with a better design. Propose changing Shall to Should.

5.9.2 Flood

4. Information about flood hazards should be made readily available to existing and prospective shoreline property owners so they are informed about the risks of living in areas that are prone to flooding, erosion, channel migration, and other hazards.

By whom? At what interval?

5.10.2

1. *In-stream and in-water structures may be permitted when associated with and **necessary for an ecological restoration project**, a fish passage project, or an allowed shoreline use/development such as a transportation facility.*

5.10.3

3. *All in-stream and in-water structures shall be designed and installed by a licensed, professional engineer.*

An ecological restoration project is not going to be able to afford the services of a licensed, professional engineer for both design and installation? This should be deleted.

5.15.2 bulkheads

2. *Information about shoreline erosion hazards should be made readily available to existing and prospective shoreline property owners so they are informed about the risks of living in areas that are prone to erosion, channel migration, landslides and other hazards.*

By whom? At what interval?

15.17.3 15.5. trails

iv. *Trails shall be limited to non-motorized use;*

This language excludes noiseless electric motored wheelchairs. Suggest: Trails shall be for pedestrian or quietly operating vehicles.

v. *Trail surfacing shall be composed of natural materials (e.g., gravel, rock, bark); except that regional public trails may have up to ten (10) feet of permanent surfacing materials. Any construction materials shall not significantly alter the existing drainage or negatively affect the critical area;*

Sometimes the least disturbing trail surface is a low, wooden walkway. Particularly if you do not want to significantly alter the existing drainage or negatively affect the critical area by brining in foreign 'natural material'. This option should not be only offered to regional public trails. Suggest (eg gravel, rock, bark or wood decking)

Section 5.53 - uses in designated areas is inconsistent.

Why are golf courses and sports fields prohibited in modified lowland, but conditional in lowland estuary?

Why are float planes prohibited adjacent to lowland estuary? This is arbitrary and does not have any ecological basis.

5.5.7

3. Mooring buoys on state-owned aquatic lands shall not be used for residential (living on the boat) or commercial purposes.

This is silly. Mooring buoys are always preferable to anchors. Living on ones' boat is a time honored and traditional use of the public waterways. By removing this connection to the sea, those people who live on their boats are active stewards of the water environment. We have an obligation to help protect this use. Furthermore, commercial purposes can be broadly defined to include research mooring buoys for the purpose of collecting data about water quality. This activity should not be prohibited. This section should be struck.

4.2.4

*3. Buffer Condition: Shoreline buffers shall be maintained in a predominantly well vegetated and undisturbed condition to ensure that the buffer provides desired buffer functions including shade, habitat, organic inputs, large woody debris, slope stability, water storage, biofiltration, contaminant removal, and fine sediment control. Up to eighty percent (80%) of the buffer area shall be vegetated with **native trees and shrubs**. The remaining twenty percent (20%), or at least fifteen (15) linear feet of the water frontage, whichever is greater, may be retained as lawn for active use.*

Trees and Shrubs? This excludes the coastal dune ryegrass that is the dominant species in our area. Limiting the plantings to trees and shrubs also excludes most of the normally found native vegetation like coastal morning glory, sea thrift, sea rocket, minor's lettuce, yarrow, and gumweed. (see Pojar and McKinnon). I've been actively trying to get more trees and shrubs to grow on my land and the hungry deer keep eating it all! Prescribing that people keep their lawns long and weedy would be more effective than this silly addition.

4.2.5 1 SETBACKS Residential no variance exceptions

d. Opportunities to vary the sideyard and/or frontage setbacks are implemented when doing so will not create a hazardous condition or a condition that is inconsistent with this Program or Chapter 31 of Clallam County Code; and

This is rather meaningless because the CCC has very large side-lot, and road set-backs.

This whole section is predicated upon having one side undeveloped, and one with pre-existing homes within 50 feet. That works in principal until you have the situation next door to me where there are two empty lots bounded by homes built set back 50' from Mean High Tide (35' from OHW) This means that neither lots will be able to build homes that don't interfere with their existing septic system drain fields designed for the same setbacks as the homes around them. The wording should be changed to be neighboring homes within 150 feet.

Allowed uses inside shoreline buffer:

This section should include picnic shelters. There are many picnic shelters in the county close to the shoreline on private and public lands. These historic shelters increase the enjoyment of the water, facilitate bird watching, increase usage in frequent inclement weather and also serve to protect the environment from wind dispersed trash. Shelters like these are often enjoyed by many people and should be encouraged. They should not be required to have any residence associated with them.

4.6 public access

Many property owners' reluctance to provide public access is in response to perceived risk of being held liable for injury. There is extensive case law that has gone in favor of the visitor/trespasser. The other reluctance is with respect to creating an easement on the property that would diminish its future value. Again, case law supports this. Therefore, the SMP now has an opportunity to address these valid concerns through legislation.

4.8 Vegetation

This section repeatedly refers to an administrator. Every time I talk to the administrator, will I have to pay a fee? It sounds like I will have to pay a fee to get approval to cut down a tree that is leaning over 20 degrees. OR pay a fee to get approval to remove tansy ragwort? This seems like excess taxation rather than ecological conservation.

4.9.3 Stormwater

a. Tier 1 Developments - Residential development with up to 2,000 SF of new or replaced impervious surface: All new, replaced, and disturbed topsoil must be amended with organic matter. Roof runoff must be routed to a drywell or, if a dry well is not appropriate for site conditions, runoff must be dispersed to a vegetated area, a rain garden or bioswale, an infiltration system or permeable pavement. Project proponents must submit a one page drainage plan showing how stormwater runoff will be controlled and design standards implemented.

I like this version better, but it conflicts with the uniform building code adopted by Clallam County. The UBC only allow dry wells, Rain barrels/gardens are prohibited.

4.9.3

6. Illicit non-stormwater discharges to the stormwater system are prohibited. This includes direct discharges of wastewater (e.g., from sinks, washing machines) to stormwater conveyance systems such as drainage ditches, and discharge of wastes from incidental sources such as car washing or spills from road accidents into stormwater drainage.

Really? No washing your boat or car? Seriously?

6.13

6. Rebuilding After Minor Damage: If a non-conforming development sustains structural damage due to fire, flood or other natural disaster, but the extent of damage is less than fifty percent (50%) of the replacement cost of the structure, it may be reconstructed upon its original site and to the configuration existing immediately prior to the damage, provided that:
c. No horizontal or vertical expansion or enlargement of the footprint or height will occur;

This is silly. If someone is repairing a substantially damaged roof, they should be able to change the height without going through the expensive and time-consuming variance process.

6.13 9.a

vi. Enlargements, expansions or additions that increase the total footprint of the existing structure(s) more than ten percent (10%) but no more than twenty-five percent (25%) or increase the structure height up to the limits allowed by this Program shall be allowed provided that the addition will not adversely affect critical areas, significantly impair the ability of a substantial number of people to view the shoreline, **increase the degree of non-conformity**, and further provided that an equivalent area of shoreline buffer is enhanced through planting of native vegetation. The Administrator shall require a planting plan to ensure this standard is implemented.

This section should be clarified to reflect the fact that as long as the structure stays within the same footprint, there is no problem going higher. This language can be mis-construed to mean that there is a problem going higher in the critical area region.

Not included but should be:

Light pollution:

All utility and light fixtures should be shielded to not pollute the critical areas with excess stray light.

Bulkheads:

Bulkheads should be encouraged to be built or replaced landward of ordinary high water on accreting beaches. This would separate the flood protection function from the erosion control function.

Bulkheads located at ordinary high water should be encouraged to be made “lumpy” with 3-dimensional texture to reflect any wave energy in a non-uniform manner.