

## Merrill, Hannah

---

**From:** zSMP  
**Subject:** RE: Port Angeles Business Association Comments on the SMP

---

**From:** Harry Bell [mailto:harry@greencrow.com]  
**Sent:** Tuesday, July 31, 2012 1:14 PM  
**To:** Gray, Steve  
**Cc:** Lear, Cathy; zSMPC; Ahlburg Kaj; Dick Pilling; Simpson Ted; NOTAC  
**Subject:** Port Angeles Business Association Comments on the SMP

Hi Steve

As requested by the Clallam County Planning Commission I am submitting these comments from the PABA. Please distribute to the Commission.

Thanks

Harry

Dear Planning Commission

July 31, 2012

Port Angeles Business Association (PABA) members have been attending the Citizens Advisory Committee meetings for the Clallam County shorelines master plan (SMP) update. Following is a summary of the comments we presented at last your 7/18 Planning Commission meeting. We also presented these concerns to the Citizens Advisory Committee consultants and look forward to the next SMP draft in order to determine if adequate changes were made. If not, we will revisit these issues when the Board of County Commissioners takes up consideration of the SMP update this fall.

**Landowner Notification:** Since the shoreline jurisdiction zone includes wetlands and setbacks measured from wetlands, and since wetlands are not shown on any of the maps to date, it is impossible for a landowner to know if he will be impacted by the SMP update. Since shoreline associated wetlands are common, many landowners are not aware that they will be impacted by the adopted policies and consequently will not participate in the public comment due process unless notified that they will be impacted by the adopted policies.

**No-Net-Loss/Mitigation Local Appeals Process:** In order to satisfy the permit specific No-Net -Loss mandate, county staff will be asked to quantify expected ecological loss and identify measures to mitigate that loss. While this may be a way to address the one-size –fits-all buffer problem, it necessarily will be very subjective because of the lack of data that demonstrate cause and effect nexus [the relation of “no net loss” to “one size fits all buffers” is not clear]. PABA feels strongly that a local appeal process, to local elected officials rather than to the growth management hearings board in Olympia, is needed.

**Annual Mitigation Review:** Given the subjectivity of quantifying No-Net-Loss and adequate mitigation, PABA recommends, at a minimum, annual oversight by a citizens’ committee of all permits requiring mitigation. The objective would be to determine if the expected loss is material and if the required mitigation is proportional to that expected loss.

**Restoration:** Since the SMP in total is expected to produce No Net-Loss, we maintain that all restoration within the shorelines jurisdiction, whether or not it was done as part of an SMP permit, should be considered to contribute to the No-Net-Loss equation. This in should include “natural recovery” of impaired areas. In other words, “no net loss” should be calculated on an aggregate basis for the respective shoreline.

**Integration of the Critical Areas Ordinance (CAO) and SMP:** It is important to recognize that specific water dependent uses, in particular single family homes, are expected and encouraged within the SMP jurisdiction. Adopting existing CAO policies into the SMP, that disallow these SMP preferred uses in critical areas within the SMP jurisdiction, or expanding SMP jurisdiction to include critical areas without changing the CAO policies, would be in direct conflict with the EHB 1653 (2010). While integrating CAO and SMP we urge you to recognize the intent of EHB 1653 by not doing wholesale integration of existing CAO standards into the SMP. The governing principle for SMP standards should be “no net loss of ecological function” rather than the protection principle in the Growth Management Act and CAO.

**Generic Buffers:** To date, no comprehensive analysis of the need for, or failure of, existing SMP buffers have been prepared. The same is true for the buffer addition proposals. The consultants admittedly based their recommendations on the “Precautionary Principle”, which proposes increased protection where science is lacking. PABA feels that using the Precautionary Principle here imposes significant costs on property owners without any scientific basis for doing so, and directly conflicts with the balance of public interest and private property rights expected by the legislature in the SMPs.