

Merrill, Hannah

From: zSMPC
Sent: Tuesday, January 29, 2013 8:25 AM
To: zSMP
Subject: FW: More comments/suggestions for the SMP final draft
Attachments: Broken Records.doc

From: Andrew J. Stevenson [REDACTED]
Sent: Sunday, January 27, 2013 2:33 PM
To: zSMPC
Subject: More comments/suggestions for the SMP final draft

Hi Hanna

Here's my latest comments regarding the SMP draft. They're kind of all over the place, and some span multiple chapters/sections. Hope it's not too confusing. Let me know if there's anything that's unclear.

Andy

Non Conforming Properties (sorry, but I can't seem to locate the right section...4.2?..)

We propose a pretty good set of rules to accomplish our goal (prevent further degradation of our coastal environment), then we set about compromising those same rules to try to ensure they do not fall too heavily on any one group of individuals. While this is one way to address the issue of fairness, it is most assuredly NOT the best way from an environmental and safety point of view.

We should recognize that in many cases what we are doing is preventing someone from doing something stupid, unsafe and environmentally irresponsible. Why should we need to compensate someone because we kept them from folly? Why do we feel it is necessary to continue to allow things to be done that we acknowledge in the SMP are inappropriate? Damaging? Please! Let's remember that old saw "When you find yourself in a hole (allowing unsafe/environmentally damaging building practices) the FIRST thing to do is to stop digging! (no more unsafe/environmentally damaging building)"

If we have learned ONE thing in the last 5 years, it is that Real Estate value can fall too! No investment is sacrosanct. Regulation and legislation can and does affect the value of real goods in every market. Why should the loss of "development potential" on real property as a result of new regulation be a sacred cow? Can I sue the state for losses to my tobacco company stock because they legislated against smoking? What makes real estate special?

4.2? "Unbuildable" lots

I object to allowing any construction on lots that do not provide a usable building site outside the proposed buffers. The provisions which allow for minor development of a single family dwelling on an existing non-conforming lot increase the damage to the habitat, increase the likelihood of damage to the structure in the future, and increase the general County liability in the event of a "natural disaster".

We need to recognize that some subdivisions approved in the past are now seen to be clearly unwise and should not be developed. The current SMP language guarantees that ALL existing parcels can be developed to the maximum allowed under "minor development", without a conditional use permit or a variance. It enshrines the concept that "there is NO place where a single family home can't be built". This is demonstrably untrue. This is WHY we have a variance and a conditional use process. If a property owner is convinced that a structure can be safely constructed within the buffers without negative impact, let them prove it to the County. Why should the County facilitate such an action without direct evidence?

We created the buffers because we determined they are the MINIMUM necessary to achieve the goals of the SMP. If property owners disagree, the burden of proof should fall on them. They should make use of the variance and conditional use avenues to make their case. If they cannot show that they can meet the standards, we should stand firm and deny development.

Let's not run scared from the "Private Property Rights" and "Takings" rumblings from a few disgruntled property owners . We KNOW we are acting in the best interest of the majority of the residents of the county, so LET'S DO IT RIGHT!

4.2 Common line setbacks

This is a classic case of "my neighbor did something stupid, so I get to do it too!" Just because the house next to you is WAY too close to the water is absolutely no reason for you to be able to build a NEW structure with like disregard. This absolutely guarantees that the county will have houses at that location that are too close forever. The new house gets built too close, then the neighbor rebuilds, and builds his new house too close, because he can, then the neighbor on the other side does the same, and it goes on forever (or until they all get flooded out). All this so one guy didn't have his view slightly impacted? Insane. NO COMMON LINE SETBACKS. This is just perpetuating evil.

2.9 Habitat Buffers

Different buffer widths based on lot depth

I feel we have made too many compromises to avoid financial impacts to existing property owners. Every time we make an arbitrary alteration to buffers based on non-habitat criteria (lot size etc.), we set up the conditions to perpetuate the negative impacts we are trying to mitigate. While we may be reducing the financial impacts to a small group of county landowners, the cost will ultimately be borne by the rest of the citizens who will collectively suffer the negative habitat impacts that we seek to eliminate. I object to carrying their load.

I oppose the Marine Waterfront, Shoreline Residential – Intensive, and Shoreline Residential- Conservancy habitat buffer reduction for lots less than 200 feet deep. The depth of the lot is absolutely unrelated to the ecological conditions on the shore. None of the rationales presented in the Dec 11 2012 memo detailing how/why the various buffers were established provide any basis for this differentiation. An argument (very flimsy in my opinion) for decreasing buffer widths based on lot width (habitat fragmentation and damage already sustained) is made, but that has no bearing on lot depth. The sole purpose for this exemption seems to be to allow further development at Diamond Point and other barrier sandspits, which is absolutely inappropriate to begin with (see vertical safety buffer below).

I do not feel that any rational habitat/ecological argument has been put forth to support this action.

2.9 Marine Safety Buffers

I do not think we have adequate safety buffers for feeder bluffs, especially for feeder bluff – talus (FBt) and for ordinary feeder bluffs (FBo). The standard we are setting is supposed to protect a structure for 75 years. To achieve this goal, we need to be confident that our safety setback exceeds the erosion rate over 75 years PLUS a prudent

margin (it's no good if at the end of 75 years the structure is perched on the edge of a cliff). In my mind, a SAFETY buffer needs to ensure we have a safe, habitable, structure for 75 years.

Buffer widths (for all marine safety buffers)

Our current understanding of erosion rates on marine shorelines in Clallam County is minimal at best. What very few reliable quantitative measurements of bluff retreat we have are all located in a very restricted portion of the county and sited where erosion concerns are focused. For most of the shoreline, there is NO quantitative data at all. While the coastal survey undertaken by CGS for the County and previous landslide mapping provide a qualitative view of where the erosion problem is most serious, it does not yield actual retreat rates. The ONLY reliable retreat rates we have suggest that rates in excess of 2ft/yr have occurred in the recent past. This is NOT robust, reliable data.

Even with the extremely limited data we have, we STILL are proposing buffers that won't meet the 75 year standard. For feeder bluff exceptional (FBx), we are proposing 150 feet. That is not even adequate for an erosion rate of 2ft/yr. Rates of 2.5 ft/yr have been measured. For this rate, a reasonable buffer would be $(2.5 \times 75 + 25 \text{ foot reserve})$ or 212.5 ft. We have absolutely NO quantitative data for FBo and FBt classes, but if we work backwards from the proposed 100ft buffer, we get something like a 1 foot/yr erosion rate: $(100 - 25 \text{ foot reserve}) / 75 = \text{erosion rate}$. This erosion rate is certainly at the low end of larger scale and longer term geologic estimates made by other investigators (see summaries in Warrick) for the Elwha/Ediz cell.

The draft SMP provides a mechanism for a landowner to quantify the erosion rate (via a geotechnical evaluation) for a particular property, so, aside from the cost involved, why are we proposing such tight buffers? I feel the County would be much better served to set conservative buffers and allow those who propose the development to provide the rationale for getting closer.

I think that an FBx safety buffer of 225 feet is desirable, and that a 150 foot buffer should be proposed for FBo and FBt.

FBt

The current shoreline buffer table (Nov 2012) provides NO safety buffer for FBt. We acknowledge by our mapping that the feature IS a feeder bluff, and therefore subject to erosion, but we decline to establish a safety buffer? We instead rely on landslide mapping and the critical areas code for protection, which provides for a buffer of only 50 feet from the bluff edge? Why not apply that logic to all feeder bluffs? They're all just landslides anyway! NO. FBt is a feeder bluff, and needs to be addressed just like the FBx and OF classes are. FBt is a critical component of the shoreline ecology, and while it may not contribute much to the growth of spits, beaches, and other shoreline features, it is critical to the nearshore ecology and function. Where FBt is marine sedimentary rock, it should be treated as FB and should have a 150 foot buffer (see above). There is absolutely NO rationale for assuming that this subclass is less susceptible to erosion compared to OF. If anything, the resistance to erosion for the marine sediments is less than the glacial sediments of FBo.

FBt underlain by basalt (Striped Peak and the like) could be given a lesser buffer. (75feet? There's REALLY no data here!). We got off on the wrong foot by lumping FBt-marine sediment with FBt-basalt and now it's showing up. They are way way too different to share a common safety buffer.

Please, without a change, FBt bluff edge setbacks are either 0 (no geologic hazard mapped) or 50 ft (hazard mapped). This is REALLY inappropriate. Applying our "75 year" test, an erosion rate of none to 1/3 foot a year is implied. I do not think you could find ANY marine sediment FBt that is not receding at a rate greater than 4 inches/yr. Certainly the ones in my neighborhood retreat MUCH faster than this.

2.9 Sea Level rise issues – need a vertical safety buffer

If we are serious about our desire to limit the effects of coastal flooding and the consequent proliferation of beach armoring we need to take a more aggressive approach to building in low lying, flood prone areas. The county has seen many recent examples of inundation caused by high tides coupled with storm surge. The worst of these events have served as a dramatic illustration of the inadequacy of our current regulations, with new million dollar homes clinging to a narrow ribbon of sand completely surrounded by seawater (seashore lane, 3 crabs area). To see how inadequate our current regs are, one needs look no further than the structure currently under construction across the street from 1052 Jamestown road.

Areas where lots are located on barrier beach structures (3 crabs area, diamond point, etc.) backed by marshes or lagoons are now recognized as inappropriate for development across the nation. Even FEMA is contemplating barring construction in these locations from participation in the National Flood Insurance Program. Our draft SMP does nothing to discourage continued development in these areas. In fact, we bend over backwards to facilitate development on postage size lots in this indefensible flood zone. We need to do more.

I suggest we propose a vertical safety buffer that requires structures within the jurisdiction of the SMP to have all living spaces (floors) be at least 5 ft above MHHW, prohibit below grade spaces (basements), and be designed to allow the free flow of water beneath the structure to a height of 3 ft above MHHW. Compared to east coast and gulf coast design requirements, these heights are extremely modest, and cover only the margins necessary for tide and surge. They do not provide for protection from wave action

5.12 Grandfathered Uses – No frequent flyers!

When we consider allowing rebuilding after damage of any grandfathered structure we should first examine the cause of the damage. If the damage is caused by flooding, erosion or slope failure (or other hazards we are attempting to mitigate in the SMP) we should not allow the reconstruction unless it fully conforms to the current provisions of the SMP. Too often damage attributed to "natural disaster" is in fact not an unforeseen cataclysmic event but a predictable consequence of normal storm, precipitation, and mass movement events. If a structure is damaged during a "100 year storm" that is NOT a natural disaster. That is a predictable outcome, and rebuilding

should NOT be allowed. We see that all too often severe, but not unprecedented, weather events receive a “natural disaster” designation when there is widespread property damage. We see structures rebuilt with “disaster relief” grants or low cost loans, only to be damaged again and again during subsequent “natural disasters”. FEMA and the National Flood Insurance Program have recently come to recognize this as a widespread problem and they are in the process of developing a response that will minimize or eliminate “frequent flyer” properties that require regular reconstruction because they are located in inappropriate locations.

When a structure is located in whole or in part within a safety buffer, and the damage incurred is a consequence of the process the buffer is supposed to protect against, we should require that the structure be rebuilt to conform to the buffer. It is madness to allow a rebuild within the safety buffer of the process that caused the damage in the first place.

There should be a limit on the number of times a grandfathered structure can be rebuilt. Once is enough! If a home at 3 crabs or Diamond Point is flooded by a high tide/storm surge event, how much more evidence do you need to recognize that parcel as an unsuitable location for a home? How many times will you let it be rebuilt, resold, and damaged again, victimizing another homeowner?

5.12.9 - Expansion/Enlargement without a Conditional Use Permit or Shoreline Variance – Single Family Residential:

This should be a “one time only for the life of the property” right, and limited to 15%. We provide both a conditional use and a variance (sects 10 and 11) method to accommodate further expansion.