

Merrill, Hannah

From: zSMP
To: pearl hewett
Subject: RE: 90.58 RCW. "Single-family residence"

From: pearl hewett [REDACTED]

Sent: Wednesday, April 10, 2013 1:11 PM

To: zSMP

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Subject: 90.58 RCW. "Single-family residence"

Clallam County Update SMP Comment
Protection of single family residence
Draft 3.18 Shoreline Stabilization
Regulation as applied to RCW 90.58.100
Pearl Rains Hewett

A FOLLOW UP COMMENT TO ASSURE COMPLIANCE WITH RCW 90.58.100

The devil is in the details, first, **I fought ESA Margaret Clancy for months, to have the words eminent danger removed from SMP 3.18, because it was in conflict with state law. (which achieve effective and timely protection against loss or damage)**

Since then, I have been fighting for months **with ESA Margaret Clancy to have the words primary structure removed, because it did not include appurtenance and have asked repeatedly to have it replaced with, the legal wording and definition**

Pursuant to chapter 90.58 RCW. "**Single-family residence**" means a detached dwelling designed for and occupied by one family **including those structures and developments within a contiguous ownership which are a normal appurtenance.**

April 10, 2013 on line SMP Draft

3.18
Shoreline Stabilization

3.18.10
Regulations – Application Requirements

1.
Geotechnical reports pursuant to this section that address **the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization** by estimating time

frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring **solutions shall not be authorized** except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a **primary structure**, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

2.

To verify that the provisions of this section are fully addressed, the Administrator may require information to support a permit application for any type of shoreline stabilization. The Administrator **shall consult with the appropriate state and federal natural resources agencies to determine the type and level of information that should be provided**. Application information required pursuant to this section **shall** address the urgency and risks associated with the specific site characteristics and **shall** include:

My comment

I would like to see the SHALLS replaced with wording that would allow more discretion by Clallam County Planning Dept.

a. **A scaled site plan** showing:

(1) existing site topography, **and**

(2) the location of **existing and proposed shoreline stabilization** structures, and any fill including dimensions indicating distances to the ordinary high water mark; **and**

b.

A description of the processes affecting the site and surrounding areas, including but not limited to tidal action and/or waves; slope instability or mass wasting; littoral drift; channel migration; and soil erosion, deposition, or accretion; and

c.

A description of alternatives to structural approaches, and a thorough discussion of the environmental impacts of each alternative; and

d.

A description of any proposed vegetation removal **and a plan to revegetate** the site following construction; **and**

e.

A hydraulic analysis prepared by a qualified hydrologist, professional engineer, geotechnical engineer or engineering geologist that describes anticipated effects of the project on water and wave elevations and velocities; and

f. **A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and**

g. A description of opportunities for **providing public access to and along the affected shoreline, as well as any proposed on**. site recreational features, if applicable; **and**

h. A description of any **waste and debris disposal sites** for materials generated during construction; **and**

i. Any other information **that may be required** by the Administrator to demonstrate compliance with the review criteria referenced in this section.

An earlier SMP Comment

Will Clallam County Elected Administrators place it's private property owners in the same position as Vicki Luhrs?

“For a decade, as the county has callously looked on, Victoria Luhrs’ property has been eroding at an alarming rate,” said PLF’s Hodges. “In some areas, up to 25 feet of land has eroded, **nearly a third of the land between her house and the bluff**. After years of litigating against the county’s obstruction, Ms. Luhrs will finally be allowed to lay out the facts, in court, that support her urgent need for a rock revetment.”

I met and spoke with Vicki Luhrs at the Pacific Legal Foundation meeting in June 2012.

“In some areas, up to 25 feet of land has eroded, nearly a third of the land between her house and the bluff.”

Shall Clallam County INTERPRETATION of "STANDARDS"

UNDER 3.18.10 Regulation as applied to RCW 90.58.100 force private property owners to fight for over 10 years and create a financial hardship

JUST to get the RCW 90.58.100 protection of their single family residence?

If in fact 3.18.10 Regulation The ESA ADOLFSON AND CLALLAM COUNTY'S INTERPRETATION OF THE LAW RCW 90.58.100 IS LEGALLY FLAWED BY WORDING, DEFINITION AND THE INTENT OF RCW 90.58.100

1. The words **primary structure** ARE NOT included in RCW 90.58.100.

2. There is no definition of **primary structure** in the SMP Update

3. RCW 90.58.100 specifically states the wording **single family residences**

4. The intent of RCW 90.58.100 is **PROTECTION**

5. HAS THE LEGAL INTENT OF RCW 90.58.100 BEEN MET OR COMPROMISED IN CLALLAM COUNTY SMP UPDATED 3.18.10 Regulations – Application Requirements

My last SMP Comment

To assist ESA in the legal clarification, definition and correction of WA State RCW 90.58.100, I am providing the following documentation for the SMP Update.

THIS IS THE RCW 90.58 DEFINITION OF "Single-family residence"

Pursuant to chapter 90.58 RCW. **"Single-family residence"** means a detached dwelling designed for and occupied by one family **including those structures and developments within a contiguous ownership which are a normal appurtenance.**

An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances **include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading** which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

THIS IS THE WA STATE LAW RCW 90.58.100 protection of single family residences and appurtenant structures

(6) Each master program shall contain standards governing the **protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion.** The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods **which achieve effective and timely protection against loss or damage** to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.