

Merrill, Hannah

From: Ed Bowen [SMP@co.clallam.wa.us]
Sent: Tuesday, June 25, 2013 1:17 PM
To: zSMP
Subject: Shoreline Master Program

To: SMP@co.clallam.wa.us

This message was sent via the Clallam Website Email Form 06-25-2013.

Name: Ed Bowen

Email: SMP@co.clallam.wa.us

Subject: Shoreline Master Program

Comments: Possibly •SMP = Shoreline Master Program secondary draft (11/2012)

I'm not sure if my question is being considered in a working draft of the secondary draft of 11/2012 or if my reference is actually towards a more recent version.

Chapter 4 General Policies and Regulations

4.1.3 Regulations -- Existing Uses

sub section 4.

"If a use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use, if allowed, shall comply with this program."

This sounds to me like a use-or-loose provision, similar to the water rights provision. Never have heard of losing a structure "existing use" for not being a user, other than my own definition/terms and not "someone's" subject process.

My question is will the authors explain the rationale, the purpose, the legality of such a provision which is seen as a taking, and how this remotely connects to the intent of shoreline management in respect to the balance between the land and the property owner?