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**To:** zSMP

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**Subject:** SMP PUBLIC ACCESS TO PUBLIC LAND

## SMP PUBLIC ACCESS TO PUBLIC LAND

If you read [Chapter 90.58 RCW: SHORELINE MANAGEMENT ACT](#)

**There is no SHALL for taking private property for public access.**

Clallam County has **52%Public Access the highest of any county in WA State.**

**52% PUBLIC ACCESS IS enough**

***This section may be updated and revised pending completion of the Public Access Plan by County staff***

**4. New public access should be encouraged** where it is consistent with the County's public access plan [in progress]. Such access should be compatible with the scale and character of the local development and should address the concerns of nearby property owners

## SMP Public Access

### 4.6 Public Access

*This section may be updated and revised pending completion of the Public Access Plan by County staff.*

#### 4.6.1 Applicability

Public access includes the ability of the general public to reach and enjoy the water's edge, to travel on the waters of the state, and to view water and the shoreline from adjacent locations. Physical public access means having the ability to physically touch or reach the water. Visual public access means having the ability to view the shoreline or water, but does not necessarily include physical access to the water's edge.

#### 4.6.2 Policies

1. The goal of providing public access should be balanced with the need to protect ecological functions and preserve the rights of private property owners.
2. Existing physical and visual access sites/areas should be maintained to ensure the public's continued ability to enjoy the recreational and aesthetic qualities of the shoreline, unless the maintenance of such existing site is inconsistent with the policies and regulations of this Program.
3. The County should work with appropriate agencies and individuals to acquire lands that can provide physical and visual access to public waters for public use.

4. **New public access should be encouraged** where it is consistent with the County's public access plan [in progress]. Such access should be compatible with the scale and character of the local development and should address the concerns of nearby property owners.
5. Public entities and private landowners should not be required to provide public access when such access is shown to be in appropriate due to reasons of safety, security, or adverse impacts to shoreline functions and processes.

#### 4.6.3 Regulations

1. Commercial and industrial development and development by public entities, such as local governments, port districts, state agencies, and public utility districts, shall include physical or visual public access to public waters unless: *Clallam County SMP Preliminary Working Draft - Committee Review February 2012 4-49 a.* Unavoidable public health or safety hazards exist and cannot be prevented through reasonable means;
  - b. The use/development has inherent security needs that cannot be mitigated through reasonable design measures or other solutions;
  - c. The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed development;
  - d. The public access will cause unacceptable environmental impacts that cannot be mitigated; or
    - e. The access would create significant, undue, and unavoidable conflicts with adjacent uses that cannot be mitigated.
2. To be exempt from the public access requirements in this section, the project proponent must demonstrate that all feasible alternatives have been considered, including:
  - a. Regulating access through means such as maintaining a gate or limiting hours of use; and
  - b. Separating uses and activities (using fences, hedges, landscaping, etc).
3. **Public shoreline access provided by public road ends, public roads rights-of-way, public utilities and rights-of-way shall not be diminished by the County or neighboring property owners in accordance with RCW Chapter 36.87.130.4.**

#### RCW 90.58.290

**Restrictions as affecting fair market value of property.**

**The restrictions imposed by this chapter shall be considered by the county assessor in establishing the fair market value of the property.**

**[1971 ex.s. c 286 § 29.]**