

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Thursday, May 05, 2011 12:35 PM
To: Merrill, Hannah
Cc: Jo Anne Estes; Kai Ahlburg; earnest spees
Subject: CONSISTENCY REVIEW

COMMENTS AND RECOMMENDATIONS FOR CLALLAM COUNTY SMP UPDATE

3. RCW'S TO PROTECT PRIVATE PROPERTY

Any WA State RCW's that are beneficial to the rights and protection of private property owners should be considered in the **consistency review** in the Clallam County SMP update.

PRIVATE PROPERTY PROTECTION

LAKE SUTHERLAND

RCW 90.24.010

Petition to regulate flow — Order — Exceptions.

Ten or more owners of real property abutting on a lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein. If there are fewer than ten owners, a majority of the owners abutting on a lake may petition the superior court for such an order. The court, after notice to the department of fish and wildlife and a hearing, is authorized to make an order fixing the water level thereof and directing the department of ecology to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

[1999 c 162 § 1; 1985 c 398 § 28; 1959 c 258 § 1; 1939 c 107 § 2; RRS § 7388-1.] **Notes:**

Effective date -- 1985 c 398: "Sections 28 through 30 of this act shall take effect January 1, 1986." [1985 c 398 § 31.]

Lake and beach management districts: Chapter [36.61](#) RCW.

PROTECTION FOR PRIVATE PROPERTY

Protection of single family residences

RCW 90.58.100

(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.

PRIVATE PROPERTY PROTECTION

Unintentionally created "Wetlands"

RCW 90.58.030

Definitions and concepts.

(h) **"Wetlands"** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. **Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.** Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Pearl Rains Hewett

AS

Trustee of the George C. Rains Trust

Private property owner

Member of the important work group to provide input