

From: pearl hewett
Sent: Friday, January 16, 2015 1:41 PM
To: zSMP

SMP Public Comment (159)

Posted on [January 16, 2015 12:50 pm](#) by [Pearl Rains Hewett](#) *Comment*

SMP Public Comment (159)

Clallam County Planning Commission

Public Forums

Pearl Rains Hewett

I would like to take this opportunity to thank the Clallam County Planning Commission, for recognizing the need for this additional step in the SMP Update process, and voting to provide the public forums for us.

I have appreciation and respect the dedicated members of Planning Commission that made the (4) regional, informal, public forums a reality. The choice of evening forums, and having the presenters go to meeting at the four locations, allowed working people to attend.

I did attend two public forums

Jan. 8, 2015 Port Angeles Public Forum

The presentation was well done and applauded

Jan 14, 2015 Sequim Public Forum

Was a mini- presentation

Jan. 8, 2015 Public Forum at the PA Senior Center

It was very encouraging to see our New County Commissioner Bill Peach, our new DCD Director Mary Ellen Winborn, members of the Clallam County Planning Commission and Home Rule Charter Commission in attendance. It is vital to have our local representative, Involved in, listening to public questions, comments and the many concerns of our local citizens on the SMP Update.

WE HAVE LOTS OF CONCERNS

OUR LOCAL GOVERNMENT HAS LOTS OF OPTIONS

ONE EXAMPLE CONSIDER **THE LOCAL OPTIONS** FOR SHORELAND AREAS

SMP handbook chapter 5

Where does the SMP Update go from here?

We respectfully request and ask our **LOCAL GOVERNMENT TO EXERCISE THEIR OPTIONS**, in the **best interest of Clallam County citizens**

Please, **READ AND CONSIDER THE MANY, 447 online, SMP PUBLIC COMMENTS AND CONCERNS OF OUR LOCAL CITIZENS?** (<http://www.clallam.net/LandUse/documents/447-PHewett11-18-14.pdf>)

AND, WE SAY THANK YOU VERY MUCH FOR YOUR CONSIDERATION

The SMP Update **OUR LOCAL GOVERNMENT MANY OPTIONS**

My suggestions and SMP comment Jan 16, 2015

That, Clallam County DCD, The Planning Commission and our County Commissioners **EXERCISE THEIR LOCAL OPTIONS** and **ACT** on the **OPPORTUNITY TO REMOVE, WHAT IS NOT REQUIRED BY LAW**, from the November SMP Draft Update

That they act in the best interest of Clallam County taxpaying citizens

Nothing to lose out of towners' and members of special interest group, **MUST NOT BE ALLOWED TO DUMP, WHAT IS NOT REQUIRED BY LAW**, on the backs of the already **BELEAGUERED** vested private shoreline property owners and taxpaying citizens.

ONE EXAMPLE CONSIDER *LOCAL OPTIONS* FOR SHORELAND AREAS

[*Shoreline Jurisdiction – Washington State Department of ...*](#)

www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/chapter5.pdf

Considering *local options* for shoreland areas body is then *regulated* under the *local SMP*, even if it is not yet listed or mapped in the *SMP* [WAC. 173-20-046] ...

Options shown below **ALLOW LOCAL GOVERNMENTS TO INCLUDE ALL OR PART OF THE FLOODPLAIN**, in addition to the minimum shoreline jurisdiction noted above, when determining shoreline jurisdiction along streams and rivers. When making this decision, consider:

The **LOCAL GOVERNMENT HAS THE OPTION** of selecting road or railroad corridors, or other features or distances within the flood plain, that provide a suitable upland boundary for the shorelands associated with the river.

Ecology **RECOMMENDS** the SMP include the following definition if FEMA maps are used to define the floodway."Floodway" means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps

If the SMP relies exclusively on the FEMA map to identify the floodway, **DO NOT USE PART (II) OF THE SMA DEFINITION** in your SMP floodway definition. This will help to avoid confusion

The shoreline jurisdiction map should clearly show where the floodway is based on the FEMA map, the SMA floodway definition or the OHWM

The SMP or a supporting document should explain why the choice of floodway or OHWM was made, **in order to provide a record of the decision**

CONSIDER THE ADDITIONAL SMP PUBLIC COMMENTS AND CONCERNS OF OUR LOCAL CITIZENS

The shoreline property owners, attending the Port Angeles Forum, were well informed on the SMP Update. The PA questions and comments were detailed and pointedly skeptical.

1. PA How much did this cost and who's paying for it?
2. PA What will I have to do to, to vest my permits, to allow me time to complete my home building project before the new SMP is in force?
- 3.PA If this SMP was in place in Louisiana or Texas there would be no more development
- 4.PA Does this SMP ever get any better?
5. PA Will this power point presentation be available online?
6. PA How will the value of my shoreline property be effected?
7. PA My comment and question during the forum

There has been county discussion that would **REQUIRE** critical areas information be recorded on shoreline property owners deeds. How is it proceeding?

This written PA comment

WHAT IS NOT REQUIRED BY LAW

Buyers are protected by RCW 64.06.020 -

Critical areas information being recorded on shoreline property owners deeds, to alert and protect buyers, is not an SMP requirement. Including this SMP requirement, by Clallam County Planning Commission and or Commissioners in the SMP Update would be redundant and place an unnecessary financial burden and responsibility on shoreline vested private property owners and all other taxpayers in Clallam County.

The County proposed requirement, to place critical areas property shoreline property owners deeds should be removed from the Clallam County SMP Update.

[RCW 64.06.020 – Access Washington](#)

[apps.leg.wa.gov](#) › ... › Title 64 › Chapter 64.06

Washington State Senate

Improved residential real property — Seller's duty — Format of disclosure statement ... For your protection you must date and sign each page of this disclosure .

RCW 64.06.020 Improved residential real property — Seller's duty — Format of disclosure statement — Minimum information.

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW [64.06.010](#), or unless the transfer is otherwise exempt under RCW [64.06.010](#), deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

This written PA comment

NOT REQUIRED BY SMP LAW

The SMP update includes **MUST PROVIDE PUBLIC ACCESS** on development of nine (9) or more units

RCW 90.58.020 SPECIFICALLY STATES

(5) INCREASE PUBLIC ACCESS TO PUBLICLY OWNED AREAS OF THE SHORELINES

The Clallam County SMP Update does not require the taking of any private shoreline property to provide public access to the public.

This SMP, **MUST PROVIDE PUBLIC ACCESS**. by Clallam County Planning Commission and or Commissioners in the SMP Update would be a local legal prerogative, imposed solely by Clallam County and place an unnecessary financial burden and responsibility on shoreline property owners and the all taxpayers in Clallam County.

The burden of expense and paperwork required to **MUST** provide proof of **EXEMPTION** from the **MUST PROVIDE PUBLIC ACCESS** (that is not required by law) must not be dumped on the backs of the already beleaguered vested private shoreline property owners.

[Commentary: WA State SMP is requiring Public access on private property at the expense of the property owner - commentary by Pearl Rains Hewett](#)

8/26/2011 If WA State WDFW and DNR can demand access fees for the EXPENSE of allowing public access on public land?

How can private property owners be required, by the SMP (Shoreline Management Plan) Update, to provide public access on their private property without compensation for land management capital, operational, maintenance renovation, development of new facilities, trails, enforcement needs and allow them to seek restitution from those who damage their private property?

The SMP, MUST PROVIDE PUBLIC ACCESS (that is not required by law) should be removed from the Clallam County SMP Update

RCW 90.58.020 Legislative findings — State policy enunciated — Use preference.

snippet

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, **shall give preference to uses in the following order of preference** which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) INCREASE PUBLIC ACCESS TO PUBLICLY OWNED AREAS OF THE SHORELINES**

- (6) Increase recreational opportunities for the public in the shoreline;

Clallam County has 51% public access, the highest public access in WA State (per Steve Grey)

November 2014 [Shoreline Master Program \(SMP\) Update – Clallam County](#)

SIGNS indicating the public's right to access public shoreline recreation areas/facilities SHALL be installed and maintained in conspicuous locations at points of access and entry.

If people KNOW where it is and can find it, It will certainly increase recreational opportunities for the public

- (7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.

Sequim and PA PUBLIC FORUMS PROVIDED

1. An introduction by Steve Gray
2. A SMP presentation by ESA Consultant Margaret Clancy
3. An opportunity for the audience to make comments ask questions as a group and get a response.

4. The informal part, mix and mingle, the opportunity for one on one personalized attention, staff and a shoreline property owner.

First by finding the right map, identifying their piece of shoreline property.

Then the challenging part..

Staff decoding the maps and explaining what all of those overlapping colored patches and lines meant?

The reality part

Wetland? Critical area? flood plain? associated wetland? zoning? setback? Buffer? Conservation? natural? hundred year flood?

Why is my buffer? setback wider? Why is that patch so big? You mean? I can't do anything within 100 feet of that area? FEMA flood plain? I'll have to get FEMA insurance?

The unbelievable parts

River meander line? floodplain? What the hell? I live on top of a hill? how can a river meander up to the top of a hill? **WHO IS RESPONSIBLE FOR THIS MAPPING?**

Remember this part? **WHO IS RESPONSIBLE FOR THIS MAPPING?**

If the SMP relies exclusively on the FEMA map to identify the floodway, **DO NOT USE PART (II) OF THE SMA DEFINITION** in your SMP floodway definition. This will help to avoid confusion

The shoreline jurisdiction map should clearly show where the floodway is based on the FEMA map, the SMA floodway definition or the OHWM

The SMP or a supporting document should explain why the choice of floodway or OHWM was made, **in order to provide a record of the decision**

The reality part

FEMAS HAS WARPED FLOOD PLAINS

[Behind My Back | 2014 FEMA's Warped Data?](#)

www.behindmyback.org/2014/03/22/2014-femas-warped-data/

Mar 22, 2014 – Homeowners, in turn, have to bear the cost of fixing *FEMA's* mistakes. Joseph Young, Maine's *floodplain* mapping coordinator, said his office ...

The unbelievable parts Sequim Forum

Grand fathered in? everything you have, no matter where it is, no matter what it is, is just fine, it is an acceptable use. No worries, be happy. (read the fine print, unless?)

Sequim Forum

Adopting Clallam County SMP by Ordinance? OR WHAT OTHER?

What does this mean? Please explain and clarify, **WHAT DIFFERENCE does it make?**

[Shoreline Master Program – City of Kirkland](#)

www.kirklandwa.gov/Assets/City.../10c_UnfinishedBusiness.pdf

Kirkland

Jul 26, 2010 – **Adopt Ordinance 4251 approving the Shoreline Master Program** of the new provisions found in the State Guidelines are “no net loss” of ...

(**Ordinance 4251** over a 600 page document)

WHAT IS NOT REQUIRED BY LAW

Something has been added A NEW ONE TIME ONLY 10% BUILD OUT on the SMP Update?

Is this another of the County’s unnecessary restriction on Shoreline property owners?

snippet

“Well, you have to keep an eye on them, they’ll try to get away with anything that they can.”

[SMP Rude Comments and Conduct](#)

Posted on [March 9, 2013 11:44 am](#) by [Pearl Rains Hewett](#)

A nothing to lose member of a special interest group,
And, a member of the SMP Committee, that wanted to know who would MONITOR county building permits to private property owners,

“Well, you have to keep an eye on them, they’ll try to get away with anything that they can.”

This comment was NOT included in the summary of that meeting. Nor, was my response to that comment.

Disgust, Indeed.... We all know that every private property owner, that wants to add a bedroom or bathroom to his private home on his private property within the SMP jurisdiction is suspect.

Now? we are confronted with A NEW ONETIME ONLY 10% BUILD OUT? What happens when your mother-in law has to move in, or you have twins? and you want a second 10% build out?

We all know that we will have to keep an eye on them, because they'll be trying to get away with anything that they can." (they'll get one 10% and then come back for another second 10% to avoid the 25%)

Jan 14, 2015 Sequim Public Forum

The SMP mini presentation provided more questions than answers

Comments and Questions (wait until after the presentation)

1. During the ESA presentation, a man raised his hand three times, he was shut down two times. The third time, he managed to get in this comment. You are covering too much, I want answers and won't be able to remember what I wanted to ask.

2. Where can I get a copy? (no access SMP online) Answer, go to the library.

Can I get a copy from you? (aka the county) Answer, yes, but you will have to pay for it.

How big is it? About two hundred pages plus, 30 plus maps.

3. There were MANY, MANY comments of CONCERN and questions about AQUACULTURE

snippets of email comments I received Jan. 12, 2015

Taylor Shellfish leased 97.8 acres of tidelands from Dungeness Farms (the duck hunting club just west of the old Three Crabs Restaurant). The lease runs until 2028. They propose farming geoduck on 30 acres. Nothing has been said what will be done with the other 67 acres, but Taylor Shellfish leases in the south Puget Sound and they farm geoduck off shore and clams and oysters near shore. The implication during the presentation was that some aqua farming would happen on the other 67 acres. The land is at the mouth of the Dungeness River.

To plant the geoduck seed, Taylor Shellfish will scrape the seabed with heavy equipment. In the South Puget Sound, they would gather the starfish in a pile and pour lime on them kill them. Sand dollars are shoveled onto the shore where they die. They remove any crabs from the area.....

There were MANY, MANY comments of CONCERN and questions about Taylor Shellfish leased 97.8 acres of tidelands (and fish pens)

Steve Grey appeared to be stressed? When he had to respond several times?

It went something like this?

Emphatically stating that TAYLOR SHELLFISH had not even applied for a permit from the county.

and, that TAYLOR SHELLFISH would be required to “run the gantlet” (my words) of fed? state? ecology? impact? before the county could/would approve a permit,

Even if TAYLOR SHELLFISH HAD applied for a county permit, and the county had received the application permit, which they do not, the county would have to receive before it could be considered, to be approved

My comment

Some people just got up and walked out of the Sequim Forum.

There was NO Applause.

the bottom line

Where does the SMP Update go from here?

Where do we go from here?

We respectfully request and ask our **LOCAL GOVERNMENT TO EXERCISE THEIR OPTIONS, in the best interest of Clallam County citizens**

Please, READ AND CONSIDER THE MANY, 447 online, SMP PUBLIC COMMENTS AND CONCERNS OF OUR LOCAL CITIZENS? (<http://www.clallam.net/LandUse/documents/447-PHewett11-18-14.pdf>)

AND, WE SAY THANK YOU VERY MUCH FOR YOUR CONSIDERATION

This entry was posted in [A TIME TO COMMENT](#), [A Time to Right Wrongs](#), [And the Good News Is, Anyone can make a difference](#), [GettIng YOU STARTED](#), [Now is the time to speak and keep](#), [Out of Towner's are not LOCAL](#), [Public Access to Public land](#), [Public Comments](#), [Shoreline Management Plan](#).