Clallam County Shoreline Master Program:

In effect for Over 40 years, with nine revisions.
Authority

• Shoreline Management Act (RCW 90.58)

• Shoreline Master Programs Guidelines (WAC 173-26)

• Shoreline Management Permit and Enforcement Procedures (WAC 173-27)
Shoreline Management Act Goals

- Encourage water-dependent & priority uses
- Protect natural resources
- Promote public access
Increase protection of lives and property from flood, channel migration, landslide damage, and other environmental hazards.
Steps to updating an SMP

1. **Develop Community Vision** - Completed 2011
2. **Prepare Consistency Review** - Completed 2011
3. **Assign Environment Designation** - Completed 2012
4. **Prepare Restoration Plan** - Updated 2016
6. **Assess Cumulative Impacts** - June 2017

**SEPA Environmental Review (October 2017)**
Draft SMP (Sept. 2017) Contents:

Chap. 1: Introduction and Overview (e.g., Vision, Goals, Jurisdiction)
Chap. 2: Shoreline Environmental Designations (SED)
Chap. 3: Policies & Regulations for Specific Shoreline Uses & Development
Chap. 4: Policies & Regulations for Shoreline Modifications
Chap. 5: General Policies & Regulations
Chap. 6: Shoreline Buffers & Vegetation Conservation
Chap. 7: Critical Areas within Shoreline Jurisdiction
Chap. 8: Mitigation and No Net Loss
Chap. 9: Shorelines of Statewide Significance
Chap. 10: Administrative Procedures
Chap. 11: Definitions
Exhibit A: Shoreline Environmental Designation (SED) Maps
Exhibit B: Shoreline Permit Checklist
Shoreline Master Program applies to:

All 39 counties and more than 200 cities that have "shorelines of the state"

Shorelines of the state include:

- All marine waters;
- Streams greater than 20 cubic feet per second mean annual flow;
- Lakes 20 acres or larger;
- Adjacent shorelands
Shorelands include:

• Lands within 200 feet of ordinary high water mark or floodway (where mapped), whichever greater.
• Associated Wetlands (e.g. wetlands in floodplain)
• River Deltas
• Up to the full extent of the 100-year floodplain *(propose all)*
• Critical area buffers**

* *All lands necessary for buffers to protect critical areas (e.g., wetlands, landslide hazard areas, other non-SMP streams) that are overlapping or otherwise coincident with shoreline jurisdiction.*
Area covered by Clallam Co. SMP

- Approximately 4.5% of County subject to Draft SMP
- Most marine areas to County/State jurisdictional line
- Port Angeles and Sequim have own SMP.
- Forks will consider adopting County SMP.
- National Park and Tribal Reservation/ Trust lands are excluded
General Map Showing Approximate Shoreline Jurisdiction (*Does not show extent into marine waters*)
Chapter 2- Shoreline Environmental Designations (SEDs)
What are Shoreline Environment Designations (SEDs)?

• **Purpose:** To provide a framework for tailoring policies and regulations to different shoreline segments based on their characteristics.

• **Mapping:** Each shoreline segment has a mapped SED based on classification criteria.
Assigning Designations

- Vegetation & habitat
- Lot size & shape
- Existing land use
- Shoreline modifications
- Hazards
- Future development potential
- Risk that development will affect functions

Shoreline Environment Designation
Shoreline Environmental Designations (SEDs)

Existing Designations

- Natural
- Conservancy
- Rural
- Suburban
- Urban

Proposed Designations

- Aquatic
- Natural
- Resource Conservancy
- Shoreline Residential -- Conservancy
- Shoreline Residential -- Intensive
- Marine Waterfront
Existing Designations—Sequim Area
Proposed Shoreline Environmental Designations (SEDs)

Sequim – Dungeness Area
Natural
(Miller Peninsula State Park)

Shoreline Residential - Conservancy

Discovery Bay
Shoreline Residential – Intensive

Shoreline Residential – Conservancy (Wetland Area)

Shoreline Residential - Intensive
Shoreline Residential - Conservancy

(Thompson Spit)

Natural
Shoreline Residential - Conservancy

Paradise Cove

Natural

Shoreline Residential - Conservancy

Natural (Travis Spit)

Strait of Juan de Fuca

E. Sequim Bay Rd. (Paradise Cove/Travis Spit Area)
E. Sequim Bay Rd. Area (North of Goose Pt.)
Shoreline Residential—Conservancy
Battelle & Gibson Spit Lagoon Area

Shoreline Residential—Conservancy

Natural (Gibson Spit Lagoon)

Sequim Bay
Gierin Creek & Gibson Spit Vicinity
Shoreline Residential—Conservancy

Graysmarsh Ln.

Shoreline Residential—Conservancy

Graysmarsh Lane Area (Between Port Williams County Park and Gierin Creek)

Strait of Juan de Fuca
Natural  
(Associated Wetland Area)

Strait of Juan de Fuca

Gierin Creek and Associated Wetlands
Vicinity of 3-Crabs & Jamestown Rd.
Wilcox Ln. / Jametown Rd Area
3 Crabs Rd. Area

Shoreline Residential—Intensive & Natural Areas

Natural
(Associated Wetland Area)
Environmental Designations

- Natural
- Shoreline Residential-Conservancy
- Shoreline Residential-Intensive
- Aquatic (includes marine waters)
- Feeder Bluff - Exceptional
- Feeder Bluff - Other
- Other Unstable Bluff
- Potential Channel Migration Zone (CMZ)
- Associated Wetlands
Natural (Dungeness Bay)
West of Marine Drive
Shoreline Residential—Conservancy
Green Point to Dungeness Spit

Environmental Designations
- Natural
- Shoreline Residential-Conservancy

- Feeder Bluff - Exceptional
- Feeder Bluff - Other
- Other Unstable Bluff
- Potential Channel Migration Zone (CMZ)
- Associated Wetlands
Dungeness River & McDonald Creek

Environmental Designations
- Natural
- Resource Conservancy
- Shoreline Residential-Conservancy
- Shoreline Residential-Intensive
- Aquatic (includes marine waters)

Olympic National Park
McDonald Creek Area
*Shoreline Residential – Conservancy*

*Strait of Juan de Fuca*
Shoreline Residential - Conservancy (Dungeness River)
Resource Conservancy (Upper Dungeness River)
Proposed Shoreline Environment Designations (SED) and Maps

- Aquatic
- Natural (~ 8%)
- Resource Conservancy (~ 65%)
- Shoreline Residential – Conservancy (~ 23%)
- Shoreline Residential – Intensive (~ 3%)
- Marine Waterfront (~ 1%)
Application of SEDs

• SMP Regulations Based on Assigned SED:
  – Permitted, Conditional and Prohibited Uses and Developments
  – Shoreline buffers
  – Other standards

• Zoning and other applicable regulations that overlap shoreline jurisdiction still apply.
SMP Chapters 3 and 4

Chap 3: Policies & Regulations for Specific Uses & Developments
- Agriculture
- Aquaculture
- Commercial & Industrial Development
- Forest Practices (Conversions)
- Mining
- Parking
- Recreation
- Residential
- Restoration
- Signs
- Transportation
- Utilities

Chap 4: Policies & Regulations for Shoreline Modifications
- Beach Access Structures
- Boating Facilities & Moorage (marinas; boat launches; piers/docks, etc.)
- Dredging and Dredge Material Disposal
- Flood Hazard Management and Flood Control Structures
- In-Stream and In-Water Structures
- Shoreline Stabilization (e.g., bulkheads)
### SED Use Tables: Permitted (P), Conditional (C) and Prohibited (X)

#### Residential Use/Development (see Section 3.8)

<table>
<thead>
<tr>
<th>Use/Development/Modification</th>
<th>Aquatic-Straits</th>
<th>Aquatic-Pacific Ocean</th>
<th>Marine Waterfront</th>
<th>Shoreline Residential - Intensive</th>
<th>Shoreline Residential - Conservancy</th>
<th>Resource Conservancy</th>
<th>Natural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family Residences</td>
<td>X</td>
<td>X</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>P²</td>
<td>C</td>
</tr>
<tr>
<td>Overwater Residences</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Floating Homes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multi-family Residences</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory Dwelling Units</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P/X³</td>
<td>X</td>
</tr>
<tr>
<td>Land Division / Subdivision</td>
<td>X</td>
<td>X</td>
<td>P³</td>
<td>P³</td>
<td>P³</td>
<td>C³</td>
<td>X</td>
</tr>
</tbody>
</table>

- **See SMP Section 2.9 for Other Uses**
- **Shoreline uses must also be permitted uses under the Clallam County Zoning Code, Title 33 CCC**
Chapter 5 – General Policies & Regulations

- Existing (Grandfathered) Uses & Developments
- Clearing, Grading and Filling
- Public Access
- Water Quality and Water Management
- Archaeological, Historical, and Cultural Resources
Existing developments are not affected unless:

- New clearing or grading
- Expansion of the structure
- New/replacement structures
- Redevelopment
Existing and Grandfathered Uses (SMP Section 5.1)

- All lawfully established uses may continue and may be repaired, maintained, expanded or modified consistent with the SMP.

- May be rebuilt after damage (e.g., fire):
  - Sites in hazardous areas may require geotechnical evaluation
  - Sites in the floodplain subject to National Flood Insurance Program Requirements

- Allowance of administrative approval of minor expansions (up to 400 sq. ft.) of existing, single-family homes located in shoreline buffers that meet approval criteria.
  - Other expansions in buffers subject to either a conditional use permit or variance approval.
Shoreline Buffers & Vegetation Conservation

SMP Chapter 6
Importance of Buffers

- Provide fish & wildlife habitat
- Protect water quality
- Provide space for natural processes to occur
- Protect people and property from risks
  - e.g., erosion, landslides, channel movement
- Necessary to meet the State’s “no net loss” standard
How were buffer regulations developed?

1. Used information from the shoreline inventory and characterization report
2. Reviewed the scientific literature
3. Considered existing buffers as a starting point
4. Analyzed the current development patterns
   “buffers and setbacks…should be tailored to local conditions including existing shoreline functions and existing and planned land use and public access. Buffers and setbacks likely will vary…to reflect different shoreline conditions and functions.”
5. Included additional measures
   Proposed SMP includes multiple protective measures that work in conjunction with the buffer widths to maintain shoreline functions
Proposed Shoreline Buffer Widths: Minor & Major New Development

<table>
<thead>
<tr>
<th>Shoreline Environment Designation</th>
<th>Standard Shoreline Buffer Width (feet) based Upon Type of Development and Lot Dimension (Measured from the ordinary high water mark—OHWM)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minor New Development on existing lots with &lt; 200 ft. of depth from OHWM to rear lot line</td>
</tr>
<tr>
<td>Marine Waterfront</td>
<td>50 feet</td>
</tr>
<tr>
<td>Shoreline Residential - Intensive</td>
<td>50 feet</td>
</tr>
<tr>
<td>Shoreline Residential - Conservancy</td>
<td>100 feet</td>
</tr>
<tr>
<td>Resource Conservancy</td>
<td>150 feet</td>
</tr>
<tr>
<td>Natural</td>
<td>175 feet</td>
</tr>
</tbody>
</table>

**Overlapping Buffers:** In the event that buffers for any shorelines and/or critical areas are contiguous or overlapping, the landward-most edge of all such buffers shall apply.

**Lake Sutherland Buffer:** Minor new development buffer is 35 feet landward of the OHWM regardless of lot depth.
Upland Designation  Aquatic Designation

OHWM (approximate)
Minor vs. Major New Development

Minor New Development

• Applies to:
  – Single-family residential on existing lots
  – Low intensity, water-dependent recreational use/development on existing lots

• Additional Criteria:
  – **Clearing**: Lesser of 15% of parcel area or 20,000 sq. ft. (min. 2,500 sq. ft. allowed);
  – **Impervious area**: Lesser of 5% of parcel area or 6,500 sq. ft. (min. 2,000 sq. ft. allowed);
  – **Cumulative Structure Footprint**: < 4,000 sq. ft.; **AND**
  – **Buffer Condition**: Meets (or restored to) plant density & cover standards (SMP Section 6.3.4).

• Does Not Apply to:
  – Lots in existing subdivisions subject to larger buffers.

Major New Development

• Applies to:
  – Any new development that does not qualify as minor new development. Examples:
    • Most new commercial development
    • Single-family that does not meet “minor new development” criteria

• New land divisions (lot creation):
  – **Why?**: Creating new lots for development intensifies development pressures along the shoreline
Standard Shoreline Buffer Width: *Minor New Development (most single-family) on Existing Lots*

**Current**
- Natural = 150 ft.
- Conservancy = 75 ft.
- Rural = 50 ft.
- Suburban/Urban = 35 ft.

**Proposed**
- Natural = 175 ft.
- Resource Conservancy = 150 ft.
- Residential-Conservancy = 100 or 125 ft.*
- Residential-Intensive = 50 or 75 ft.*
  - 35 ft. for Lake Sutherland
- Marine Waterfront = 50 or 75 ft.

*Based on lot depth, larger buffer for existing lots with ≥ 200 ft. of depth.

*Measured from the Ordinary High Water Mark (OHWM)*
Standard Shoreline Buffer Width: *Major New Development on Existing Lots*

**Current**
- Natural = 150 ft.
  - Duplex/Multi-family = 200 ft.
- Conservancy = 150 ft.
  - Duplex/Multi-family = 200 ft.
- Rural = 150 ft.
- Suburban/Urban = 150 ft.

**Proposed**
- Natural = 175 ft.
- Resource Conservancy = 150 ft.
- Residential-Conservancy = 150 ft.
- Residential-Intensive = 100 ft.
- Marine Waterfront = 100 ft.

*Measured from the Ordinary High Water Mark (OHWM)*
Standard Shoreline Buffer Width: New Land Divisions (i.e., create new lots)

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural = <em>Prohibited</em></td>
<td>Natural = 175 ft.</td>
</tr>
<tr>
<td>Conservancy = <em>Prohibited</em></td>
<td>Resource Conservancy = 150 ft.</td>
</tr>
<tr>
<td>Rural = 150 ft.</td>
<td>Residential-Conservancy = 150 ft.</td>
</tr>
<tr>
<td>Suburban/Urban = 150 ft.</td>
<td>Residential-Intensive = 100 ft.</td>
</tr>
<tr>
<td></td>
<td>Marine Waterfront = 100 ft.</td>
</tr>
</tbody>
</table>

*No new lot creation within 200 ft. of OHWM.*

Measured from the Ordinary High Water Mark (OHWM)
Chap. 6–Shoreline Buffers & Vegetation Conservation

• **Shoreline Buffer Clearing**
  – Retain at least 80% well-vegetated area
  – 20% of buffer for active use (lawn, pathways)
  – Clearing for views and access
  – Hazard tree removal
  – Invasive Species Management
  – Private pathways

• **Developments Allowed in Buffer (Subject to Mitigation)**
  – Water Dependent and Related Uses
  – Pedestrian beach access structures
  – Public trails and public access improvements
  – Certain utilities and public facilities

• **Reductions of Standard Shoreline Buffer Widths**
  – Allowances for Buffer Averaging
  – Exceptions for Buffers Interrupted by Roads & Intervening Developed Lots
  – Variances
Existing Vegetation (SMP Section 5.14)

• Proposed new SMP buffers do not apply retroactively, except where required mitigation for new and expanded uses and development.\(^1\)(see note below)

• Existing views may be maintained.
• Existing areas of residential landscaping, lawns and gardens, may be maintained, but not expanded.
• Non-destructive limbing and/or pruning allowed:

• New land clearing and grading subject to compliance with the shoreline and critical area buffer regulations in Chapters 6 and 7 of the SMP.

\(^1\)Note: Vegetation removal and land clearing along shorelines, critical areas (e.g., wetlands, landslide hazards) and associated buffers is subject to compliance with the current County SMP and Critical Areas Code.
Chapter 7 – Critical Areas within Shoreline Jurisdiction

• Includes classification/designation criteria, policies, and regulations (e.g., buffers) for Critical Areas:
  – Wetlands
  – Aquatic Habitat Conservation Areas (e.g., other non-SMP streams)
  – Terrestrial Habitat Conservation Areas
  – Geologically Hazardous Areas
  – Frequently Flooded Areas
  – Critical Aquifer Recharge Areas

• Critical areas within the SMP jurisdiction are to be regulated under the SMP.
### Critical Area Buffers Also Apply

<table>
<thead>
<tr>
<th>Critical Area</th>
<th>Standard Width (feet)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetlands</td>
<td>25’ – 300’</td>
<td>Depends on wetland category &amp; impact of adjacent land use</td>
</tr>
<tr>
<td>Other streams in shoreline jurisdiction</td>
<td>50’ – 100’</td>
<td>Depends on if fish bearing</td>
</tr>
<tr>
<td>Fish and Wildlife Habitat Areas</td>
<td>May or may not be greater than SMP buffers</td>
<td>Depends on Habitat Management Plan</td>
</tr>
<tr>
<td>Landslide Hazard Areas</td>
<td>50’-150’</td>
<td>Depends on type of marine bluff or hazard</td>
</tr>
<tr>
<td>Channel Migration Zones (CMZ)</td>
<td>If needed, based on CMZ assessment</td>
<td>No buffer if locate outside of mapped potential CMZ</td>
</tr>
</tbody>
</table>
Channel Migration Zones (CMZs)

Randy Johnson photos
Channel Migration Zone (CMZ) Studies & Mapping

- WA. Dept. of Ecology CMZ Study & Maps:
  - Channel Migration Assessment for Select SMP River Reaches in WRIA 20 (Drain to Pacific Ocean) [April 2013]
  - Channel Migration Assessment for Select River Reaches in WRIA 18 and 19 (Drain to Strait of Juan de Fuca) [December 2011]

- Dungeness River Channel Migration Zone, Jamestown S’Klallam Tribe (October 2008)

- Clallam County Critical Area Maps, Clallam County - Maps Only (~mid 1990’s)
Channel Migration Zone (CMZ)

**Definition:** Areas along a river or stream within which the channel can reasonably be expected to migrate over time as a result of normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

**Excludes:** Areas protected from channel movement due to:
- Permanent levees, or
- Infrastructure (e.g., roads & bridges) constructed and maintained by public agencies.

**Source:** Delineation of the Dungeness River Channel Migration Zone, Jamestown S’Klallam Tribe, October 2008.

**Aerial Photo Date:** 2005 Aerial Photo, WA DNR
Channel Migration Zone (CMZ)

**Current Critical Areas Code**

- **Buffer:** 50 ft. from edge of CMZ.
  - CMZ edge generally determined by site specific professional report

**Proposed SMP**

- **Locate Inside CMZ:**
  - Must submit a CMZ study that demonstrates proposed use/development site has minimal risk.

- **Buffer:**
  - If required, based on results of CMZ study.
  - Ecology CMZ maps already include erosion hazard buffers.
Shoreline Residential — Intensive

BUFFERS

Marine and Freshwater Shorelines — Lots > 200 Feet Deep

Marine and Freshwater Shorelines — Lots ≤ 200 Feet Deep
Additional buffer for Landslide Hazard
Shoreline Residential – Conservancy: Dungeness Bluffs
1.2 acre lot; 5,000 SF footprint
Chapter 8 – Mitigation and No Net Loss (NNL)

Mitigation includes following actions (in order of priority):

- Avoiding the impact
- Minimizing the impact
- Rectifying the impact (e.g., restore affected environment)
- Reducing or eliminating the impact over time
- Compensating for impact by replacing, enhancing, or providing substitute resources or environments
- Monitoring the impact of compensation projects and taking appropriate corrective actions.
As shoreline development occurs, ecological functions stay the same (or are improved) over time.

What is No Net Loss (NNL)?

Development (with mitigation) and Restoration
No Net Loss (NNL)

- Overall SMP policies and regulations (e.g., buffers) are designed to achieve no net loss on a programmatic scale.

- SMP standards focus on actions that each development must meet to achieve no net loss at the project scale.

- County to track environmental indicators of NNL over time.
NNL Environmental Indicators

• Percent of mapped feeder bluffs with armoring (percent classified as modified);
• Status of salmon stocks;
• Status of shellfish beds (frequency of closures);
• Length of stream bordered by/confined by levees, excluding setback levees;
• Number of overwater structures per mile of shore and number of overwater structures per mile of sediment transport zone;
• Number of tidal barriers;
• Percent of aquatic area supporting submerged aquatic vegetation (e.g., kelp, eelgrass);
• Percent closed canopy forest within two hundred (200) feet of the ordinary high water mark;
• Percent impervious surface within two hundred (200) feet of the ordinary high water mark; and
• Area of undeveloped floodplains/channel migration zone.
2017 Armor Removal (Before & After)

Looking East

Looking West
Chapter 9–Shorelines of Statewide Significance

- Shorelines of statewide as well as local interest:
  - Strait of Juan de Fuca (to Canadian line, including bay, inlets, etc…)
  - Pacific Ocean (including bays, inlets, etc.) to state boundary
  - Quillayute River
  - Portions of the Bogacheil, Calawah, Elwha, and Sol Duc Rivers

- SMP must consider additional policies and use preferences.
Chapters 10 and 11

- Chap. 10 Administrative Procedures
  - Incorporates permit provisions, review and application process, compliance/enforcement, amendment process, and other administrative procedures in the proposed SMP.
    - Most of these provisions are currently addressed outside of the existing SMP under Title 35, Shorelines, of the County Code.

- Chap. 11 Definitions
  - Terms defined in Chapter 11 will be used to administer SMP versus other definitions.
NEXT STEPS
Upcoming Public Meetings

• County Commissioner Work Sessions on Draft SMP:
  – October 30, 2017
  – November 13, 2017
  – November 27, 2017
  – December 4, 2017

Work sessions begin at 9 a.m. Agendas posted Thursday evening prior to the meeting.
Work sessions can now be viewed “live” online on the Internet.
Board of County Commissioners (BOCC) – Local Adoption

• BOCC to hold public hearing on the Draft SMP (Sept. 2017) on **December 12, 2017** at 10:30 a.m. in the County Courthouse (Room 160).
  – Consider oral and written comments received
  – Prepare a summary responding to comments received during the public hearing and comment period.
  – Adopt or revise proposed SMP. May also remand back to Planning Commission for further work on specific issues.

• Timeline for Local Adoption: Likely winter/spring 2018
How to Comment:

Submit written comments in advance of the December 12, 2017 public hearing or present written and/or oral comments in person during the hearing.

Send written comments to:

**By email:** SMP@co.clallam.wa.us

**By mail:** Clallam County Board of Commissioners RE: Shoreline Master Program Update 223 East Fourth Street, Suite 4 Port Angeles, WA 98362-3015
Ecology will:

- Notify public of County adopted SMP.
- Hold a minimum 30-day public comment period, and may hold one or more public hearings in the County.
- Send comments received to County for response.
- Within 30-days of receiving County response to comments, Ecology must make findings/conclusions on the SMP consistency with the Shoreline Management Act (RCW 90.58) and state SMP Guidelines (WAC 173-26).
For More Information:

• Go Clallam County Shoreline Management Update Home Page:

http://www.clallam.net/LandUse/SMP.html
QUESTIONS?